

Walter Carrell, Ivyland.  
 Arthur B. Winter, Jermyn.  
 Alfred L. Evans, Kane.  
 Albert D. Karstetter, Loganton.  
 Robert T. Barton, Meadowbrook.  
 William L. Swarn, Millheim.  
 Barbara E. Snyder, New Tripoli.  
 Samuel G. Garnett, Parkesburg.  
 Ed. D. House, Pleasantville.  
 Lester L. Lyons, Pocono.  
 John A. Baker, Pocopson.  
 Alex L. Carlier, Point Marion.  
 Gordon S. Studholme, Port Allegany.  
 Wilbur J. Woodring, Port Matilda.  
 Florence H. Gray, Rosemont.  
 William A. Sickel, Snow Shoe.  
 William A. Smith, Summerville.  
 Harry A. Fuellhart, Tidioute.  
 J. Ellis Tobias, Tremont.  
 E. Howard Gilpin, Upland.  
 John C. McCurdy, Verona.  
 James T. Patterson, Williamsburg.  
 Max A. Crain, Winburne.

## TENNESSEE

John L. Sullivan, Lexington.

## TEXAS

Ida S. McWilliams, Anahuac.  
 George A. Tohill, Big Sandy.  
 Louis Waldvogel, Columbus.  
 Birdie Duree, Dimmitt.  
 Edson E. King, Follett.  
 Samuel A. West, Joshua.  
 Edmund W. Tarrence, Llano.  
 William H. Bruns, Louise.  
 Wallace C. Wilson, McKinney.  
 Lotta E. Turney, Smithville.

## VERMONT

Edward N. Aldrich, Graniteville.  
 Berton M. Willey, Greensboro.  
 John S. Wheeler, North Ferrisburg.  
 George D. Burnham, Reading.  
 Sherrie C. Mead, Shoreham.

## VIRGINIA

Bascom N. Mustard, Bland.  
 William R. Connor, Dillwyn.  
 William R. Moose, Glasgow.  
 Winter Owens, Haymarket.  
 Wyatt L. Martin, Hillsville.  
 Lula E. Northington, Lacrosse.  
 Paul E. Haden, Palmyra.  
 Jack F. Fick, Quantico.  
 William A. Wine, Quicksburg.  
 Asher Brinson, Stonega.  
 William R. Kindig, Stuarts Draft.

## WASHINGTON

Lillian M. Tyler, Brewster.  
 Joseph F. Lavigne, Cusick.  
 Katherine Irving, Dryden.  
 Jerome E. Depew, Elk.  
 Guy N. Lafromboise, Enumclaw.  
 George H. Shanafelt, Kennewick.  
 Matthew E. Morgan, Lind.  
 Hilda G. Moe, Malden.  
 Elva N. Hamilton, Mansfield.  
 Edwin O. Dressel, Metaline Falls.  
 Harry E. Stark, Okanogan.  
 Herman S. Reed, Redmond.  
 Samuel E. Edwards, Ritzville.  
 Otto F. Reinig, Snoqualmie.  
 Myrtle B. Bridgman, Vashon.

## WEST VIRGINIA

Clinton V. Boyles, East Beckley.  
 Wetzel M. Lewis, Lorado.  
 Neville L. Chancey, Matewan.  
 Lorene V. Shuttleworth, Nutter Fort.  
 Boyd McKeever, Wardensville.

## WISCONSIN

Harry C. Dowe, Bangor.  
 John F. Harding, Bay City.  
 Henry J. Altschwager, Columbus.  
 Floyd B. Hesler, Glenbeulah.  
 Carson J. Lawrence, La Farge.

Fred J. Marty, New Glarus.  
 Giles H. Putnam, New London.  
 Clyde D. Sullivan, Phillips.  
 Herman Jacob, Rib Lake.  
 Wilbur S. Wurm, Shullsburg.

## WYOMING

Jason A. Hobbs, Rawlins.

## HOUSE OF REPRESENTATIVES

FRIDAY, June 20, 1930

The House met at 11 o'clock a. m. and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The tender memories of Thy mercies, Blessed Lord, are sweet and heavenly benedictions. With us make this day a fresh beginning as we come to Thee with songs of praise and thanksgiving. Be to our souls a cup of strength, and enkindle in us a zeal for the helpful ministries of life. He who has experienced truth shining in its sphere fails not, for he makes character his aim and the love of country his cause. Bless us with cheerfulness, for wondrous is its strength and its power of endurance. Grant that our lives may blend in full accord with the music of love and the sunshine of gladness. In the name of Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 7643. An act to establish a term of the District Court of the United States for the district of Nevada at Las Vegas, Nev.;  
 H. R. 11050. An act to transfer Willacy County in the State of Texas from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district; and

H. J. Res. 311. Joint resolution for the participation of the United States in an exposition to be held at Paris, France, in 1931.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10919) entitled "An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MOSES, Mr. SWANSON, and Mr. PRITTMAN to be the conferees on the part of the Senate.

## SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

Mr. SNELL, chairman of the Committee on Rules, by direction of that committee, presented the following privileged report (Rept. 1984), which was referred to the House Calendar and ordered printed:

The Committee on Rules, to which was referred House Resolution 258, authorizing the appointment of a special committee to investigate expenditures of candidates for the House of Representatives, and for other purposes, submits a privileged report on said resolution, with the recommendation that the resolution be adopted.

Mr. GARNER. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. GARNER. When does the gentleman expect to call up the resolution?

Mr. SNELL. Not until next week some time.

## INTERNATIONAL COPYRIGHT UNION

Mr. SNELL, chairman of the Committee on Rules, by direction of that committee, presented the following privileged report from the Committee on Rules, which was referred to the House Calendar and ordered printed:

## House Resolution 264

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12549, a bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided

and controlled by the chairman and ranking minority member of the Committee on Patents, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, may I be allowed to say just one word about this resolution? This is the same resolution that was brought up under a special rule last week, and was referred back to the Committee on Rules because it did not comply with the Ramseyer rule. There was some doubt whether it would be in order to call it up again, and in order to do away with that doubt the Rules Committee this morning authorized me to report a new rule.

Mr. STAFFORD. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. STAFFORD. The provisions of the rule are the same as to the former rule?

Mr. SNELL. Exactly the same. They must comply with the general rules of the House.

Mr. RANKIN. When does the gentleman expect to call up the resolution?

Mr. SNELL. I can not state. It depends on opportunity.

#### WAR PROFITS

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules, I call up the joint resolution (H. J. Res. 251) to promote peace and to equalize the burdens and to minimize the profits of war, with Senate amendments, and ask that the House recede and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "without profit."

Page 1, line 8, strike out all after "war" down to and including "country," in line 10.

Mr. SNELL. Mr. Speaker, let me say the only thing that is done by the Senate amendments is that the Senate has cut out, in line 6 after the word "provided," the words "without profit." The same words occur in the next line, and this in no way materially affects the purpose. In line 8 the Senate has struck out the words "so as to empower the President to mobilize all the resources of the country," leaving it for Congress to act. As a matter of fact, I do not know as it materially interferes with the resolution one way or the other.

Mr. GARNER. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. GARNER. May I ask the gentleman if this is authorized by his committee?

Mr. SNELL. Yes.

Mr. GARNER. Was it a unanimous authorization?

Mr. SNELL. Does the gentleman mean this resolution?

Mr. GARNER. Yes.

Mr. SNELL. I will say to the gentleman that I shall never bring a matter on the floor of this House and make the statement that it is authorized by the committee unless it is so, with a quorum present.

Mr. GARNER. I understand that; but that was not the question.

Mr. SNELL. I made that statement. I thought the gentleman did not hear me.

Mr. GARNER. No. I do not question the fact that it was authorized by the gentleman's committee. I asked the gentleman if it was by unanimous agreement of his committee?

Mr. SNELL. It was, but no roll call.

Mr. RANKIN. Will the gentleman from New York yield?

Mr. SNELL. Certainly.

Mr. RANKIN. By this amendment you simply denature the resolution and virtually license these profiteers, instead of profiteering in their own names, to unload on the Government, when they take over their enterprises or activities, then to come in after the war and demand enormous profits. So when you put this amendment into the resolution you simply denature it and make it an idle gesture. I am wondering if the gentleman from New York would not agree to call this resolution up at some time when the full membership of the House can be here, especially those who have been interested in it, in order that the amendment and resolution generally could be discussed. I do not think it is fair to call it up now when the very men who have been most interested in it are not present.

Mr. SNELL. I will say that the American Legion, who has been most interested, advised me to call it up and agree to the Senate amendments. I am acting on their representation and with complete approval.

Mr. RANKIN. Let me say to the gentleman from New York that the men he saw, who arrogate to themselves authority to represent the American Legion, have not consulted the legionnaires in the House or throughout the country in all probability.

Mr. SNELL. Has the gentleman consulted them?

Mr. RANKIN. I will say to the gentleman from New York that the ex-service men in the House are better informed on this subject and better prepared to pass on it than some one who has not made a study of it.

Mr. SNELL. I understood it came direct from your national commander.

Mr. RANKIN. The national commander can be wrong or misinformed, as was shown to the Congress recently when he sent conflicting telegrams to Congress two different days in succession advising them what to do.

Mr. SNELL. I do not yield to the gentleman any further.

Mr. RANKIN. Mr. Speaker, I make the point of order there is not a quorum present. I think this matter should be discussed when the men most interested in it are here to get the information. I think the Senate has practically denatured or destroyed the resolution.

I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 72]

Abernethy	Dickinson	Kemp	Porter
Aldrich	Dickstein	Kennedy	Prall
Auf der Heide	Dominick	Ketcham	Pratt, Ruth
Bachmann	Doyle	Kiefner	Quayle
Bacon	Estep	Kiess	Ragon
Bankhead	Esterly	Kunz	Rayburn
Beck	Finley	Lampert	Romjue
Black	Foss	Langley	Rutherford
Bohn	Free	Lankford, Va.	Seger
Brunner	Gavagan	Lea	Selvig
Buchanan	Gibson	Leech	Sinclair
Burtress	Golder	Ludlow	Sirovich
Byrns	Goldsborough	McDuffie	Spearing
Carley	Graham	McFadden	Sproul, Kans.
Carter, Wyo.	Griffin	McMillan	Stedman
Celler	Hall, Ind.	McReynolds	Stevenson
Clarke, N. Y.	Hartley	Maas	Stobbs
Collier	Haugen	Michaelson	Sullivan, N. Y.
Connery	Hoffman	Montague	Sullivan, Pa.
Connolly	Hopkins	Montet	Swick
Cooke	Hudson	Mooney	Taylor, Colo.
Cooper, Wis.	Hudspeth	Murphy	Thurston
Cox	Hull, William E.	Nelson, Wis.	Turpin
Craddock	Hull, Tenn.	Norton	Vincent, Mich.
Crail	Igoe	O'Connor, La.	White
Cramton	James	O'Connor, N. Y.	Whitehead
Curry	Jeffers	Oliver, N. Y.	Williams
Dallinger	Johnson, Ill.	Owen	Wingo
Dempsey	Johnson, Nebr.	Peavey	
De Priest	Jonas, N. C.	Perkins	

The SPEAKER. Three hundred and twelve Members have answered to their names, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. RANKIN. Mr. Speaker, I wonder if the gentleman from New York will give us some time to discuss these amendments. I understand the gentleman has an hour.

Mr. SNELL. There is other business for to-day and I am not going to yield for a speech; but I will yield for any legitimate question.

Mr. RANKIN. As I understand it, the gentleman from New York proposes to move the previous question on both of these amendments at once?

Mr. SNELL. Yes.

Mr. RANKIN. And vote on them both at once?

Mr. SNELL. Yes.

Mr. RANKIN. The first amendment strikes out of this resolution the words "without profit."

Mr. SNELL. But the next line contains the same thing.

Mr. RANKIN. I understand what the next line contains. It goes on to give the intent. We want a separate vote on that amendment and would like to have some time to discuss it, so the House may know what is before it.

Mr. SNELL. Mr. Speaker, I do not yield for a speech, and I move the previous question on the resolution.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 206, noes 101.

Mr. RANKIN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Fifty-seven Members have risen, not a sufficient number.

So the yeas and nays were refused.

The previous question was ordered.



Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. I would like to know if we have the right to demand a division in order to vote on these two amendments separately?

The SPEAKER. Not after the previous question is ordered.

Mr. SNELL. Mr. Speaker, I move to concur in the Senate amendments.

Mr. RANKIN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Sixty-three Members have risen, a sufficient number.

So the yeas and nays were ordered.

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the resolution as amended by the Senate amendments may be read.

The SPEAKER. Without objection the Clerk will report the resolution as amended.

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, is not that equivalent to debate after the previous question has been ordered?

The SPEAKER. The Clerk will proceed.

The Clerk read the resolution as amended by the Senate amendments.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent that the amendments of the Senate be again reported to the House.

The SPEAKER. Without objection, the Clerk will again report the two Senate amendments.

The Clerk again read the Senate amendments.

#### VISIT OF REAR ADMIRAL RICHARD E. BYRD

The SPEAKER. Before submitting the question, the Chair desires to make an announcement. The Chair takes great pleasure in announcing that in response to his invitation Admiral Byrd will visit us this afternoon at about 3 o'clock. [Applause.]

#### WAR PROFITS

Mr. HARE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARE. I would like to inquire if the vote about to be taken is on the Senate amendment or on the adoption of the resolution, because I am in favor of the purpose of the resolution and voted for it when it passed the House some time ago, but I am opposed to the Senate amendment. The resolution, as it passed the House, provided that a commission be—

created to study and consider amending the Constitution of the United States to provide that private property may be taken for public use without profit during war.

But the Senate has amended the resolution by striking out the words "without profit." I think they should remain in there because, as I see it, these words go to the very crux of the situation. I am in favor of the resolution, but opposed to the amendment; and for this reason I want it to be made clear as to which one we are about to vote upon.

The SPEAKER. The question is on concurring in the Senate amendments.

The question was taken; and there were—yeas 190, nays 117, not voting 121, as follows:

[Roll No. 73]

#### YEAS—190

Ackerman	Cochran, Mo.	Hall, Ill.	Kurtz
Adkins	Cochran, Pa.	Hall, Ind.	Kvale
Allen	Cole	Hall, Miss.	Lambertson
Andresen	Colton	Hall, N. Dak.	Lankford, Va.
Andrew	Cooper, Ohio	Halsey	Lea
Ayres	Coyle	Hancock	Leavitt
Baird	Cramton	Hardy	Leech
Barbour	Crosser	Hartley	Lehlbach
Beedy	Crowther	Haugen	Letts
Beers	Culkin	Hawley	Luce
Blackburn	Darrow	Hess	McClintock, Ohio
Bolton	Davenport	Hickey	McCormick, Ill.
Bowman	Dempsey	Hill, Wash.	McLaughlin
Brand, Ohio	Denison	Hoch	McLeod
Brigham	Dickinson	Holiday	McMillan
Britten	Doutrich	Hooper	McSwain
Brumm	Dunbar	Hope	Magrady
Buckbee	Dyer	Hopkins	Manlove
Burdick	Eaton, Colo.	Houston, Del.	Mapes
Butler	Elliott	Howard	Martin
Cable	Ellis	Huddleston	Menges
Campbell, Iowa	Englebright	Hull, Morton D.	Merritt
Campbell, Pa.	Evans, Calif.	Irwin	Michener
Cannon	Fenn	Jenkins	Miller
Carter, Calif.	Fitzgerald	Johnson, Ind.	Moore, Ohio
Chalmers	Fort	Johnson, Nebr.	Morehead
Chase	Garber, Okla.	Johnson, S. Dak.	Morgan
Chindblom	Garber, Va.	Kahn	Mouser
Christgau	Gifford	Kelly	Nelson, Me.
Christopherson	Goodwin	Kinzer	Newhall
Clague	Guyot	Knutson	Niedringhaus
Clancy	Hadley	Kopp	Nolan
Clark, Md.	Hale	Korell	O'Connor, Okla.

Palmer	Schafer, Wis.	Stalker	Wason
Parker	Seiberling	Strong, Kans.	Watres
Pittenger	Shaffer, Va.	Strong, Pa.	Whitley
Pratt, Harcourt J.	Short, Mo.	Summers, Wash.	Williamson
Pritchard	Shott, W. Va.	Swanson	Wolfenden
Purnell	Simmons	Swing	Wolverton, N. J.
Ramey, Frank M.	Simms	Temple	Wolverton, W. Va.
Ramsayer	Sloan	Thatcher	Wood
Ransley	Smith, Idaho	Thompson	Woodruff
Reece	Snell	Tilson	Wurzback
Reed, N. Y.	Snow	Timberlake	Wyant
Reid, Ill.	Sparks	Tinkham	Yates
Rogers	Speaks	Treadway	Zihlman
Rowbottom	Sprout, Ill.	Underwood	
Sanders, N. Y.	Stafford	Vestal	

#### NAYS—117

Allgood	Doxey	Jones, Tex.	Patterson
Almon	Drane	Kading	Pou
Arentz	Drewry	Kearns	Quin
Arnold	Driver	Kerr	Ragon
Aswell	Edwards	Kincheloe	Rainey, Henry T.
Bell	Eslick	LaGuardia	Ramspeck
Bland	Evans, Mont.	Lampert	Rankin
Blanton	Fisher	Lankford, Ga.	Robinson
Bloom	Fitzpatrick	Larsen	Rutherford
Box	Frear	Lindsay	Sabath
Boylan	Fuller	Lanthicum	Sanders, Tex.
Brand, Ga.	Fulmer	Lozier	Sandlin
Briggs	Gambrill	McClintic, Okla.	Smith, W. Va.
Browne	Garner	McCormack, Mass.	Somers, N. Y.
Browning	Gasque	McDuffie	Steagall
Busby	Gavagan	McKeown	Stone
Canfield	Glover	Mansfield	Summers, Tex.
Cartwright	Green	Mead	Tarver
Clark, N. C.	Greenwood	Milligan	Tucker
Collins	Gregory	Montague	Vinson, Ga.
Cooper, Tenn.	Griffin	Moore, Ky.	Warren
Corning	Hammer	Moore, Va.	Welch, Calif.
Crisp	Hare	Nelson, Mo.	Whittington
Cross	Hastings	O'Connell	Wilson
Cullen	Hill, Ala.	O'Connor, La.	Woodrum
Davis	Hull, Wis.	Oldfield	Wright
DeRouen	Jeffers	Oliver, Ala.	Yon
Doughton	Johnson, Okla.	Palmisano	
Douglass, Mass.	Johnson, Tex.	Parks	
Dowell	Johnson, Wash.	Fatman	

#### NOT VOTING—121

Abernethy	Douglas, Ariz.	Kennedy	Selvig
Aldrich	Doyle	Ketcham	Shreve
Auf der Heide	Eaton, N. J.	Kiefner	Sinclair
Bacharach	Estep	Kless	Sirovich
Bachmann	Esterly	Kunz	Spearing
Bacon	Finley	Langley	Sproul, Kans.
Bankhead	Fish	Lanham	Stedman
Beck	Foss	Ludlow	Stevenson
Black	Free	McFadden	Stobbs
Bohn	Freeman	McReynolds	Sullivan, N. Y.
Brunner	French	Maas	Sullivan, Pa.
Buchanan	Garrett	Michaelson	Swick
Burtness	Gibson	Montet	Taber
Byrns	Golder	Mooney	Taylor, Colo.
Carley	Goldsborough	Murphy	Taylor, Tenn.
Carter, Wyo.	Graham	Nelson, Wis.	Thurston
Celler	Granfield	Norton	Turpin
Clarke, N. Y.	Hoffman	O'Connor, N. Y.	Underhill
Collier	Hogg	Oliver, N. Y.	Vincent, Mich.
Connery	Hudson	Owen	Wainwright
Connolly	Hudspeth	Peavey	Walker
Cooke	Hull, Tenn.	Perkins	Watson
Cooper, Wis.	Hull, William E.	Porter	Welsh, Pa.
Cox	Igoe	Prall	White
Craddock	James	Pratt, Ruth	Whitehead
Crail	Johnson, Ill.	Quayle	Wiglesworth
Curry	Johnston, Mo.	Rayburn	Williams
Dallinger	Jonas, N. C.	Romjue	Wingo
De Priest	Kemp	Schneider	
Dickstein	Kendall, Ky.	Sears	
Dominick	Kendall, Pa.	Seger	

So the motion to concur in the Senate amendments was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Bohn (for) with Mr. Byrns (against).  
 Mr. Shreve (for) with Mr. McReynolds (against).  
 Mr. McFadden (for) with Mr. Hull of Tennessee (against).  
 Mr. Kiefner (for) with Mr. Bankhead (against).  
 Mr. Murphy (for) with Mr. Mooney (against).  
 Mr. Free (for) with Mr. Whitehead (against).  
 Mr. Kless (for) with Mr. Cox (against).  
 Mr. Bacharach (for) and Mr. Auf der Heide (against).  
 Mr. Kendall of Pennsylvania (for) with Mr. Rayburn (against).  
 Mr. Connolly (for) with Mrs. Norton (against).  
 Mr. Dallinger (for) with Mr. Quayle (against).  
 Mr. Esterly (for) with Mr. Wingo (against).  
 Mr. Bachmann (for) with Mr. Lanham (against).  
 Mr. Foss (for) with Mr. O'Connor of New York (against).  
 Mr. Gibson (for) with Mr. Spearing (against).  
 Mr. Welsh of Pennsylvania (for) with Mr. Brunner (against).  
 Mr. Johnston of Missouri (for) with Mr. Abernethy (against).  
 Mr. Golder (for) with Mr. Buchanan (against).  
 Mr. Sinclair (for) with Mr. Prall (against).  
 Mr. Graham (for) with Mr. Collier (against).  
 Mr. Hudson (for) with Mr. Black (against).  
 Mr. Swick (for) with Mr. Stevenson (against).  
 Mr. Watson (for) with Mr. Carley (against).  
 Mr. Taylor of Tennessee (for) with Mr. Igoe (against).  
 Mr. Seger (for) with Mr. Kemp (against).  
 Mr. Perkins (for) with Mr. Oliver of New York (against).  
 Mr. Michaelson (for) with Mr. Celler (against).

Mr. Beck (for) with Mr. Dominick (against).  
 Mr. Aldrich (for) with Mr. Garrett (against).  
 Mr. Porter (for) with Mr. Kennedy (against).  
 Mr. Eaton of New Jersey (for) with Mr. Sullivan of New York (against).  
 Mr. Crail (for) with Mr. Williams (against).  
 Mr. Taber (for) with Mr. Kunz (against).  
 Mr. Freeman (for) with Mr. Dickstein (against).  
 Mr. Turpin (for) with Mr. Montet (against).  
 Mr. French (for) with Mrs. Owen (against).  
 Mr. Clarke of New York (for) with Mr. Romjue (against).  
 Mr. Fish (for) with Mr. Sirovich (against).  
 Mr. James (for) with Mr. Goldsborough (against).  
 Mr. Vincent of Michigan (for) with Mr. Hudspeth (against).  
 Mr. Ketcham (for) with Mr. Douglas of Arizona (against).  
 Mrs. Langley (for) with Mr. Connery (against).  
 Mr. Sullivan of Pennsylvania (for) with Mr. Granfield (against).  
 Mr. Estep (for) with Mr. Taylor of Colorado (against).  
 Mr. Hogg (for) with Mr. Ludlow (against).  
 Mr. Wigglesworth (for) with Mr. Doyle (against).  
 Mr. Finley (for) with Mr. Stedman (against).

Until further notice:

Mr. Bacon with Mr. Nelson of Wisconsin.  
 Mr. Selvig with Mr. Sears.  
 Mr. Thurston with Mr. White.  
 Mr. Curry with Mr. Sproul of Kansas.  
 Mr. Cooper of Wisconsin with Mr. Walker.  
 Mr. Craddock with Mr. Kendall of Kentucky.

Mr. EDWARDS. Mr. Speaker, I want to explain that my colleague the gentleman from Georgia, Mr. Cox, is unavoidably absent. If he were present, he would vote "no."

The result of the vote was announced as above recorded.

#### ELIZABETH WILLIAMS

Mr. UNDERHILL. Mr. Speaker, I present a privileged report from the Committee on Accounts with respect to four resolutions and ask for their immediate consideration.

The SPEAKER. The Clerk will report the first resolution.

The Clerk read the resolution, as follows:

*Resolved*, That there shall be paid, out of the contingent fund of the House, to Elizabeth Williams, widow of John Williams, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding \$250 to defray funeral expenses and last illness of the said John Williams.

Mr. UNDERHILL. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Without objection, it is so ordered.

Mr. GARNER. Mr. Speaker and gentlemen of the House, I take this opportunity to report action by the Joint Committee of the House and Senate on Tax Refund, which was had this morning, based on the report of Mr. L. H. Parker, chief of staff, Division of Investigation, of the Joint Committee on Internal Revenue Taxation, on the question of the settlement of the Treasury Department in what is known as the California and Hawaiian Sugar Refining Corporation fund. This is a case that came up under what is known as the Joint Associations of Agriculture, under the cooperative plan in the 1928 act, where you permit farmers, fruit growers, and similar organizations to organize under a cooperative plan and sell their products exempt from the income tax.

Mr. Parker questioned the settlement of the Treasury Department, as communicated to the joint committee in a letter, giving the reasons therefor, and, Mr. Speaker, I shall ask unanimous consent to insert Mr. Parker's communication in the RECORD for the benefit of the membership.

In substance the facts are these: Thirty-three sugar corporations—not cooperatives, but corporations—incorporated under the laws of the States, producing sugar and refining sugar, created what is known as a holding company, and this holding company marketed the products of the 33 corporations. The corporations are not owned entirely by the farmers, but are owned principally by commission men and investors, and the stock of the corporation is sold upon the Honolulu Exchange. So anyone can buy this stock and become a part owner of the corporation.

When a dividend is declared by the holding company, ordinarily it would pay a tax of 12 per cent, but under the construction of the Treasury Department it pays no tax on such dividend. It distributes this dividend to 33 corporations, and in turn the 33 corporations declare dividends and pay no tax.

So you can see just what is happening since the Congress undertook to exempt from taxation cooperative farm organizations in this country. These corporations have organized for the purpose of avoiding payments of income tax, and the record shows they are making millions of dollars, and up to 1926 had paid more than \$1,000,000 in income tax; but under the construction of the Treasury Department, a construction that has never been approved by the courts, this settlement has been made. I asked the Assistant Secretary this morning if he did

not think he ought to go to court in an uncertain case like this, and he said that it was the decision of the Treasury Department and the Treasury Department was going to adhere to it.

You gentlemen are acquainted with the Senator from Pennsylvania [Mr. REED]. I believe he is one of the best-posted men on income tax there is in the Congress. Senator REED dissented from the action of the committee this morning, just as I did, and said that undoubtedly if this policy were followed in this country there would be corporations organized for similar purposes, and the result would be they would escape the income tax that others have to pay.

In 1926 we were compelled to give to the Treasury Department this discretion in settling these cases, and we made the sky the limit. The reason for doing this was because the administration of the income tax law was breaking down in the Treasury Department on account of the fact that there were so many cases accumulating that it took a taxpayer from 5 to 10 years to ascertain how much taxes he owed. So, I repeat, we gave the Treasury Department this discretion; but when they come to a doubtful case like this, instead of submitting it to the courts and getting a court decision upon the problem they resolved in favor of this corporate organization and thereby let them escape the income tax.

Mr. CRISP. Will the gentleman yield?

Mr. GARNER. I yield.

Mr. CRISP. What is the amount of this refund?

Mr. GARNER. It is small in this instance, only \$166,324.68, as I recall.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. GARNER. When I get through with this statement; yes. I will say to my colleague from Georgia that this is only a beginning. As Senator REED said this morning, when the country understands they can form these organizations and escape taxation they will do just that in order to escape paying income tax.

I now yield to the gentleman from Oklahoma.

Mr. O'CONNOR of Oklahoma. Is not this another sample of what happens with respect to administering a law when we let administrative bodies construe the law instead of the courts?

Mr. GARNER. I agree with the gentleman.

Mr. O'CONNOR of Oklahoma. And I agree with the gentleman from Texas. If this construction of the Treasury Department is sound, what is to prevent the packers, the millers, or any other body that deals with farm products going ahead and doing the same thing, and in this way evading the tax?

Mr. GARNER. I think that is true; and, if you were Secretary of the Treasury, you would get a court ruling on this question before you permitted them to deduct these taxes; and that is what I am complaining about now. The Treasury Department, instead of taking this matter to the courts and getting a judicial ruling, have gone ahead and have made this settlement upon a basis which enables them to escape taxation.

Mr. Speaker, I hope each Member of the Congress will take the time to-morrow to read this letter from Mr. Parker, which sets out the entire facts. The facts are not disputed by the Treasury Department. If you do this, I am quite sure you will come to the conclusion that there has been maladministration of the income tax law once more in the Treasury Department. [Applause.]

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

APRIL 28, 1930.

HON. WILLIS C. HAWLEY,

Chairman Joint Committee on Internal Revenue Taxation,  
 Washington, D. C.

MY DEAR CHAIRMAN: Reference is made to the proposed refund in the case of the California & Hawaiian Sugar Refining Corporation, San Francisco, Calif., for the year 1927 in the amount of \$166,324.68. A copy of the decision of the commissioner in this case is attached as "Exhibit A."

All members of the committee were notified as to this refund under date of March 17, and on April 14 the members were also notified that certain issues were being raised with the Treasury Department in regard to the proposed action.

The refund, which is in the amount of the total tax paid by the corporation for the year 1927, is due to the decision of the department that the corporation is exempt from taxation under the provisions of section 231 (12) of the revenue act of 1926. The propriety of this decision has been the subject of two conferences between the department and the staff of the committee. Inasmuch as there is still a difference of opinion on this issue, it is believed that it would be advisable for the committee itself to consider this refund prior to its payment for two reasons:



(1) Because it is doubtful whether or not this corporation is exempt under the law; and

(2) If it is exempt, then the committee might properly consider the necessity for revision of this subdivision of the law, because the 1928 act is identical with the 1926 act.

It is the opinion of this office that the real purpose of section 231 (12) of the revenue act of 1926 and of section 103 (12) of the revenue act of 1928 was to permit farmers, fruit growers, and other persons engaged in agricultural pursuits to form cooperative associations which would be exempt from tax. Such tax exemption doubtless seemed logical to Congress because the greater portion of the farmers are not income-tax payers, and, therefore, it would appear that the tax levied on the association at the source might properly be eliminated, since the profits of such corporations when distributed would not be subject to tax. It was also undoubtedly the purpose of Congress to encourage the formation of cooperative marketing associations by the farmer, in order to enable them to reap a fair proportion of the profits that were going to the commission men.

In this case, however, it will be found that the corporation held tax exempt is not formed by individual farmers but by 32 large and wealthy corporations, and that there is a large beneficial interest among the stockholders of these 32 companies who are not farmers at all. Moreover, it will be found that the entire control of the whole group is in the hands of the commission men and not in the hands of the farmer. It is obvious that in such a situation the intent of Congress should be carefully studied, because many less prosperous refineries in this same business are paying taxes while this prosperous company is going tax free, and this, of course, results in unfair competition.

#### STATEMENT OF FACTS

The California & Hawaiian Sugar Refining Corporation, which it is proposed to exempt from taxation, was organized under the laws of California in 1921. It was not organized as a cooperative association or corporation as far as its charter is concerned. It was organized with broad powers "to conduct a general merchandise, manufacturing, mechanical, mercantile, commercial, shipping, and commission business; and especially to deal in, refine, and manufacture sugar and sugar products, etc."

The original issue of stock was \$2,500,000 of preferred and \$10,000,000 of common. The preferred stock was used to purchase the assets of the predecessor company, namely, the California & Hawaiian Sugar Refining Co. The common stock was subscribed to by some 32 corporations owning and operating sugar plantations on the islands of Hawaii.

While the charter of the corporation does not disclose any evidence that the corporation was organized on a cooperative basis, it is true that shortly after organization a pooling agreement was entered into by the 32 corporations which had subscribed to the common stock, which agreement provided for actual operation in a way which might be construed to have some remote connection with a cooperative plan.

By the terms of this pooling agreement the corporations holding the common stock of the Refining Corporation placed their stock in the hands of six trustees for a period of 21 years. These trustees were not farmers or sugar producers, but were commission men, shippers, and sugar factors. Thus, the sugar-producing corporations are able to exercise only a very limited and remote control over the affairs of the refining corporation, the real control being in the hands of the commission men.

The pooling agreement also provides that:

(1) The trustees shall possess, and shall be entitled to exercise, all rights of every name and nature, including the right to vote, in respect of any and all of such stock. (Stock of California and Hawaiian Sugar Refining Corporation.)

(2) The sugar-producing corporations shall hold as evidence of their stock ownership certain trust certificates which are transferable.

(3) A vacancy in the trustees may be filled by the appointment of the remaining trustees.

(4) It is expressly agreed and understood that the trustees assume no responsibility and shall not be subject to any liability for or in respect of the management of the trust.

(5) The holders of stock-trust certificates shall have the right and be under the obligation to sell each year to the said California and Hawaiian Sugar Refining Corporation the sugar produced by said holders each year.

It was not until November 1, 1926, that the operation of the refining corporation was put on a basis which appears to have any substantial relation to a cooperative form of transacting business.

On this date an agreement was entered into between seven sugar factors in their own behalf, as principals, and in behalf of the 32 sugar-producing companies for which they acted as agents and the California and Hawaiian Sugar Refining Corporation. The trustees were not a party to this agreement.

The agreement provides in brief as follows:

(1) The sellers (the six sugar factors companies) agree to sell and deliver to the buyer (the California and Hawaiian Sugar Refining Corporation) all of the raw centrifugal sugar, except sugar sold for local

consumption, produced by the 32 plantations for which the sellers now act as agents and which it is possible to ship for the 1-year period, November 1, 1926, to October 31, 1927.

(2) The agreement continues in force from year to year, unless revoked by either buyer or seller.

(3) As an initial payment the buyer agrees to pay to the sellers, for the account of the respective plantations for which the sellers, respectively, act as agents, for every pound of sugar delivered 75 per cent of the New York market price.

(4) In addition to the initial payments as above provided, the buyer shall pay to the sellers annually, for account of the respective plantations, a further payment in proportion to the weight of sugar shipped by each plantation determined as follows:

Add: (a) Gross proceeds from sales of sugar and molasses purchased from sellers.

(b) Gross proceeds from sales of sugar and molasses purchased from other parties.

(c) Value of sugar and molasses which was purchased during year but which remained unsold at close of year.

(d) All other income of the buyer from every source during the year, except proceeds from sale of Hawaiian plantation feed molasses.

From this sum subtract the total resulting from the addition of the following items:

(a) The initial 75 per cent payments.

(b) The purchase price of all sugars, whether raw, refined, or beet, purchased from parties other than the sellers.

(c) All manufacturing, marketing, operating, and other expenses of the buyer for the year, including "estimated amounts of income taxes payable the following fiscal year," depreciation reserves, sinking-fund reserves, etc.

(d) A sum equal to 6 per cent of the capital net worth of the buyer as shown by its book at the beginning of the year as full compensation for its services under this agreement.

The remainder constitutes the amount of the final further payment.

(5) The sellers may at their own expense employ a certified public accountant to audit the accounts of the buyer, but it is agreed that such auditor shall not be authorized to report to the sellers any figures derived from the records of the buyer except in so far as may be necessary in presenting questions or criticisms as to the accounting.

As pointed out there are six companies engaged in the commission and shipping business which act as agents for the various plantation companies. These companies are not the trustees mentioned in the original pooling agreements, but officers of these commission companies are trustees.

It will be sufficient to point out one group in detail which is typical of the six groups, as follows:

Factor, Alexander & Baldwin (Ltd.); W. M. Alexander, president, H. A. Baldwin, vice president, J. Waterhouse, vice president.

Plantations for which Alexander & Baldwin are agents: Hawaiian Commercial & Sugar Co. (Ltd.), F. F. Baldwin, president; Hawaiian Sugar Co., J. Waterhouse, president; Kahuku Plantation Co. (Ltd.), J. Waterhouse, president; Maui Agricultural Co. (Ltd.), H. A. Baldwin, president; McBryde Sugar Co. (Ltd.), J. Waterhouse, president.

The net income and rate of dividends paid by these companies for 1927 is shown below (from Moody's Industrials):

	Net income (after taxes)	Dividend rate
Alexander & Baldwin (Ltd.)	\$1,409,713	14
Hawaiian Commercial & Sugar Co.	1,669,729	15
Hawaiian Sugar Co.	619,203	21
Kahuku Plantation Co.	141,951	1 1/2
Maui Agricultural Co.	722,981	9
McBryde Sugar Co.	198,121	0
Total—5 plantations	3,351,985	
Total net income of group	4,761,698	

An equally good record seems to have been made by the other factors and groups of plantations. C. Brewer & Co. (Ltd.), factors, had a net income of \$1,450,576 in 1927, and the American Factors (Ltd.) a net income of \$1,563,101 for the same year.

The total assets of the plantations alone is in excess of \$125,000,000 and the surplus they have built up exceeds \$45,000,000. It appears that in 1927 their profits were not less than \$10,000,000, while the factors made an additional profit of at least \$5,000,000.

An examination of Moody's Yearbook for a series of years shows that these six factors and the 32 plantation companies which they represent have as a whole made a tremendous success in the last seven years and have been very profitable, in marked contrast with the rest of the sugar industry in the United States and its Territories.

In regard to the success of the California & Hawaiian Sugar Refining Corporation, this may be shown by a comparison of its December 31,

1921, balance sheet and its December 31, 1927, balance sheet. This comparison follows:

ASSETS		
	Dec. 31, 1921	Dec. 31, 1927
Property, equipment, etc.	\$12,947,144	\$16,099,218
Trade-marks and good-will	1,762,777	1,857,729
Investments		747,000
Cash	345,052	1,271,598
Accounts and notes receivable	1,266,339	2,888,299
United States Government securities	23,234	
Sundry advances		71,342
Inventory	2,375,288	7,196,053
Stores and supplies	961,482	
Prepaid freight	236,588	
Construction work in progress		176,688
Deferred charges		519,884
Other assets	556,573	
Total assets	20,704,477	30,827,791
LIABILITIES		
Preferred stock	\$2,500,000	
Common stock	10,000,000	\$10,001,500
Bonded debt	6,965,000	7,000,000
Sinking fund		2,000,000
Accounts payable	589,547	1,420,169
Notes payable		500,000
Contingent liabilities		284,655
Depreciation reserve		3,825,326
Other reserves		94,750
Surplus	649,230	5,701,391
Total liabilities	20,704,477	30,827,791

The above figures show that this corporation in six years has (1) retired \$2,500,000 in preferred stock; (2) set up a depreciation reserve of about \$3,800,000; (3) set up a sinking fund reserve of \$2,000,000; (4) increased its investment in plant \$3,000,000; and (5) has increased its unappropriated surplus by more than \$5,000,000. The dividends paid by the corporation during this period have amounted to \$1,600,000 exclusive of return payments to the plantation corporations.

The officers of this corporation and the annual salaries of same are as follows:

A. P. Welch, chairman of board	\$50,000.00
George M. Rolph, president	81,250.00
L. R. Compiglia, vice president	29,791.66
W. F. Sampson, vice president	29,791.66
A. M. Duperu, vice president	31,221.66
Total	222,054.98

Mr. A. P. Welch is also president of Welch & Co. (Inc.), of San Francisco, which is a firm in the commission and shipping business. It appears that this company is agent for C. Brewer & Co., Castle & Cooke, and F. A. Schaeffer & Co., which latter companies are all factors acting in turn as agents for the plantation companies as before noted. The extent to which Welch & Co. share in the profits of this group is not divulged in the record.

It appears that during the year 1927 the California & Hawaiian Sugar Refining Corporation withheld from distribution the sum of \$1,137,831.03 after providing for all necessary reserves. This sum is considerably in excess of 6 per cent of the net worth provided for in the agreement of November 1, 1926, and is in excess of 8 per cent of the capital stock which is provided for by law as a reasonable profit.

This company paid taxes for all years from 1921 to 1926 in the total amount of \$1,186,932.85. For the year 1927 it paid a tax of \$166,324.68. It filed claim for refund of the 1927 tax on December 21, 1928, claiming exemption under the provisions of section 231 (12) of the revenue act of 1926.

#### DISCUSSION

The first question to be discussed is:

"Can the California & Hawaiian Sugar Refining Corporation qualify as a tax-exempt corporation under section 231 (12)?"

Section 231 (12) of the revenue act of 1926 is quoted in full below:

"The following organizations shall be exempt from taxation under this title—

"(12) Farmers', fruit growers', or like associations organized and operated on a cooperative basis (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost plus necessary expenses. Exemption shall not be denied any such association because it has capital stock if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 per cent per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to

participate, directly or indirectly, in the profits of the association upon dissolution or otherwise beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose. Such an association may market the products of nonmembers in an amount the value of which does not exceed the value of the products marketed for members, and may purchase supplies and equipment for nonmembers in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, provided the value of the purchases made for persons who are neither members nor producers does not exceed 15 per cent of the value of all its purchases."

In the first place, consider the phrase "farmers', fruit growers', or like associations." Can a corporation be a farmer? If we had a law relating to laborers' associations, could it be said that a corporation would qualify as a laborer in forming such an association? Technically under the definition of a corporation as a legal entity it may be possible that a corporation can qualify as a farmer, but looking at the intent of the statute we have some doubt, especially when the stock of such corporations is not held exclusively by farmers. In this case the stock of the member corporations which form the association is not held exclusively by farmers, but largely by commission men and investors. The stock of the majority of the corporations is freely traded in on the Honolulu Exchange. If, therefore, a corporation can qualify as a farmer, a New York capitalist who has never seen a farm can entirely own the stock of a number of corporations engaged in agriculture and these corporations can in turn form a tax-exempt corporation engaged in marketing and manufacturing. In such a case it is evident that the entire beneficial interest of the group will be in one person—the New York capitalist—and, in fact, the real farmers will be at a disadvantage in competing with this powerful group instead of at an advantage as contemplated by the act. In the case of the California & Hawaiian Sugar Refining Corporation, we find that about \$1,000,000 worth of beet sugar is refined for the western farmer, and that the profit on such refining goes tax free not to the western farmer but to the Hawaiian corporations.

In the second place, the statute requires an exempt corporation to be "organized," as well as "operated" on a cooperative basis, "for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses." The Treasury appears to base this company's right to exemption on the fact that it operates on a cooperative basis for the purpose described. Conceding that this "operating" test is satisfied, is this sufficient to make the company exempt? It is a well-recognized rule of statutory construction that effect must, if possible, be given to every clause, statement, or word in a statute. (*Montclair Twp. v. Ransdell*, 107 U. S. 147.) We must, therefore, give effect to the word "organize" as well as the word "operate." The charter of this corporation endows it with powers to "conduct a general merchandise, manufacturing, mechanical, mercantile, commercial, shipping, and commission business, and especially to deal in, refine, and manufacture sugar and sugar products." An organization having such broad powers does not appear to meet the test of "organized on a cooperative basis for the purpose of marketing the products of members or other producers." In fact, the file does not disclose that there is any provision in the charter showing an intention to organize or operate on a cooperative basis. Not even in name does the corporation hold itself out to be such an association.

Provisions requiring more than one test as a condition to exemption have been construed strictly by the courts, which have held that all such tests must be complied with. In the matter of the corporation of Yaddo (216 App. Div., N. Y. 1), decided in March, 1926, the court was construing section 4, subdivision (7), of the tax law of New York, as amended by the laws of 1924, chapter 489, which provides that "the real property of a corporation \* \* \* organized exclusively for the moral or mental improvement of men or women or for \* \* \* benevolent, \* \* \* educational, \* \* \* literary, \* \* \* and used exclusively for carrying out thereupon one or more of such purposes, \* \* \* shall be exempt from taxation." In the case before the court the petitioner was endeavoring to secure an exemption from taxation of its real property in the city of Saratoga Springs. In passing upon the statute the court made the following comment:

"Here are two distinct provisions. To determine the purpose for which such real property is used must necessarily require an investigation after the date of the certificate of incorporation and outside of the language of the law under which the corporation is organized. Actual use might not correspond with the declared use stated in the certificate. In such a case exemption would not be granted."

And the court concludes with the following statement:

"A summary of the argument shows that the exemption in question can only be allowed after it is established that the petitioner was organized exclusively and the real property used exclusively for benevolent purposes, and the certificate, the law under which it is incorporated, and the by-laws, all unite in a determination of the intent of the incorporators. If their operations later do not accord therewith, or if the



by-laws are changed, so as not to comply with the original purposes, then exemption will not follow."

Again, in the case of *Commonwealth v. John McGlinn Distilling Co.* (108 Atlantic, 823 Pa. 346), the court was construing a Pennsylvania statute (act of July 15, 1897, P. L. 292, No. 2) which imposed a capital stock tax on "companies organized and incorporated for the purpose of distilling liquors and selling the same at wholesale." In passing upon this statute, the court held the test is "not the business conducted, but whether it is organized and incorporated for that purpose."

The original ruling of the department on this point is known as O. D. 190 and sustains this view. It reads as follows:

"In dealing with cases coming under section 231 the character of the corporation must be judged by its articles of incorporation, constitution, and by-laws rather than by the declarations of its officers or the method by which it conducts or has conducted its business. Accordingly, if the activities of a company are confined to cooperative selling for the benefit of its patrons, but it is granted additional powers by its charter, it will nevertheless be required to file returns and pay the tax if any shown to be due."

The above ruling was issued in regard to the 1918 act, but since that act contains the same phrase "organized and operated," it is equally applicable to all the subsequent acts. While this ruling has never been revoked, a later ruling, I. T. 1914 (C. B. III-1 287) appears to reach a different conclusion. The latter ruling reads as follows:

"Under its articles of incorporation, the M Co. has very broad powers to engage in business for profit. These powers, however, are not exercised. Its actual business consists in the taking over of the cattle and sheep of its members, slaughtering them, and crediting the members with the amount of meat or mutton at a rate mutually agreed upon. It then sells the meat at an advance of one-half cent per pound, which amount is used to defray expenses. The by-products are sold at the prevailing market rates. At the end of the annual accounting period a dividend of 7 per cent, and no more, is paid the stockholders in lieu of interest, and the balance, if any, is distributed among the members on the basis of amount of produce furnished. Only producers own its stock."

"Held, that the M Co. is entitled to exemption under section 231 (11) of the revenue acts of 1918 and 1921."

The ruling, last quoted, was based on the revenue acts of 1918 and 1921. It does not appear to have been founded on any court decision, but merely on a policy determined by the bureau. It marks the departure from the policy of strict construction to the one of "great liberality," which was referred to in the conference report on the revenue act of 1926.

In construing the terms "organized and operated" under this more liberal policy, the Treasury appears to rely somewhat upon two decisions, one by the Supreme Court, and one by the Board of Tax Appeals, interpreting the phrase "organized and operated exclusively for religious and charitable purposes;" namely, *Trinidad, Insular Collector, v. Sagrada Orden de Predicadores, etc.*; 263 U. S. 578; and appeal of *Unity School of Christianity*, 4 B. T. A. 61. But in both of these cases the companies were organized for purely religious purposes, and, while they did engage in some commercial transactions, all of the profits were devoted to the religious purpose for which they were organized.

In the third place, there is some question as to whether the corporation even operates on a cooperative basis.

The essence of a cooperative association is that the profits of such association, over and above necessary expenses, are returned to its members. In this case it seems plain that only part of the profits are returned, inasmuch as over \$1,000,000 is retained by the association, for which no pressing need is shown. Moreover, the members are out of control of the association and can not force distribution. The high officers' salaries paid is another evidence of lack of true cooperative operation. Would the true farmers' cooperative, which Congress meant to exempt under the law, ever pay its five principal officers over \$222,000 in salaries? This sum is nearly 20 per cent of the total net income of the corporation, and the president alone draws a salary in excess of \$81,000. Attention is also drawn to the fact that the operating agreement between the plantations and the refinery provides for an annual payment by the former to the latter of 6 per cent of the net worth of the refining corporation as compensation for services. It is certainly an unusual form of cooperative association that not only pays its five officers \$222,000 annually but also receives nearly \$1,000,000 as compensation for the services rendered its members over and above what it requires for expenses and reserves.

While the statute authorizes the retention of a reasonable reserve for any necessary purpose, under the operating agreement the company not only retains all necessary reserves but also a substantial sum as compensation for services.

In the fourth place, under the contract of November 1, 1926, the seven sugar factories deal with the California & Hawaiian Sugar Refining Corporation not only as agents for the 32 sugar-producing companies but also as principals. Therefore, the corporation is not dealing altogether with producers as such. In the case of the Northwestern Drug Co., which purchased not as agent but with its own funds, the Board of Tax Appeals, in 14 B. T. A. 222, denied exemption.

Finally, the courts have consistently held that a claim to exemption from taxation must be clearly made out. In determining whether a fraternal beneficiary association was exempt from the policy-premium tax imposed by section 504 of the revenue act of 1917, the district court, in the case of *Western Funeral Benefit Association v. Hellmich*, made the following comment:

"In passing upon the questions herein involved it will be well to keep in mind the rule by which the court must be guided. This rule seems to have run through all of the decisions, and in the case of *Bank of Commerce v. Tennessee* (161 U. S. 134, 16 S. Ct. 456, 4 L. Ed. 645) the court, after citing several cases, puts the principle upon which is founded the rule that a claim for exemption from taxation must be clearly made out. Taxes being the sole means by which sovereignties can maintain their existence, any claim on the part of anyone to be exempt from the full payment of his share of taxes on any portion of his property must on that account be clearly defined and founded upon plain language. There must be no doubt or ambiguity in the language used upon which the claim to the exemption is founded. It has been said that a well-founded doubt is fatal to the claim; no implication will be indulged in for the purpose of construing the language used as giving the claim for exemption, where such claim is not founded upon the plain and clearly expressed intention of the taxing power."

To the same effect are the decisions of the Board of Tax Appeals in *Farmers' Cooperative Milk Co.* (9 B. T. A. 696) and *United Drug Co.* (14 B. T. A. 224) in construing the exempt-corporation provision of the revenue acts.

It is the opinion of this office that the taxpayer has not clearly established a claim to exemption under the statute and therefore exemption should be denied. It is obvious, however, that the members of the committee, all of whom are familiar with the intent of Congress in this matter, are better able to judge of the propriety of the decision than its staff or even the Treasury Department.

If the committee is of the opinion that this corporation is properly exempt under the statute, it is respectfully recommended that consideration be given to the propriety of changing the law, for this office believes that this corporation and the corporations which hold its stock, bound together as they are with the shipping agents and factors, represent a monopoly of the Hawaiian sugar industry. The figures, in fact, show that this group produces and refines over 75 per cent of the annual amount of sugar produced on the Hawaiian Islands.

One very obvious defect in the present law is the failure to tax dividends distributed by exempt corporations. While this might be unimportant in the case of the true farmers' cooperative, since few farmers have enough income to be subject to tax, it becomes very important when the dividends go to highly profitable corporations, as in this case. The result is, of course, that the Government loses its 12 per cent tax, without even securing the offset of the normal tax on individuals.

It also must be pointed out that if such corporations as the California & Hawaiian Sugar Refining Corporation are tax exempt, Congress is granting tax relief to corporations which already enjoy substantial economic advantages over their competitors. This can be shown by a comparison of the dividends paid by the Hutchinson Sugar Plantation Co., which does not belong to the tax-exempt group, and the dividends paid by the Kekaha Sugar Co., which does belong to the group, both of these corporations being located in Hawaii.

Year	Dividends paid	
	Hutchinson Sugar Co. (non-member)	Kekaha Sugar Co. (member)
	Per cent	Per cent
1921	7½	60
1922		24
1923		24
1924	¾	24
1925	8	24
1926	2¾	12
1927		15
1928		15

This economic advantage is not confined to nonmembers located in Hawaii, but applies to all beet and cane sugar producers and refiners of the United States and Cuba. This is indicated by the consistent and substantial earnings of the Hawaiian monopoly in comparison with the meager dividend record of the American Sugar Refining Co. shown below:

Year:	Dividend, per cent
1921	5½
1922	0
1923	0
1924	0
1925	0
1926	5
1927	5

## CONCLUSION

In conclusion, it is the opinion of the staff that the taxpayer has not clearly established his claim for exemption under the statute and that exemption should therefore be denied. In any event, it is believed that a report on tax-exempt corporations in general should be authorized, for it is feared that if the present interpretation of the statute is persisted in substantial benefit will result to corporations and monopolies, while the real benefit to the individual farmer will remain negligible.

Respectfully submitted.

\_\_\_\_\_, Chief of Staff.

## EXHIBIT A

## OFFICE OF THE GENERAL COUNSEL OF INTERNAL REVENUE

GC: R: RLC  
C1-4223

FEBRUARY 25, 1930.

In re: California & Hawaiian Sugar Refining Corporation, San Francisco, Calif.

Mr. COMMISSIONER: A certificate of overassessment has been prepared in favor of the above-named corporation in the amount of \$166,324.68 for the fiscal year ended November 30, 1927.

The overassessment is due to holding that the corporation is exempt from taxation under the provisions of section 231(12) of the revenue act of 1926.

The taxpayer filed a corporation income-tax return for the year under review, reporting a net income of \$1,262,532.43. A tax of \$170,441.88 was assessed on the basis of the return. Subsequent thereto a refund of \$4,117.20 was allowed, due to an adjustment to depreciation. A claim was filed under date of December 21, 1928, in which it was claimed that the corporation was exempt from taxation.

It is apparent from the evidence submitted that since December 1, 1926, all of the outstanding stock of the corporation, with the exception of directors' qualifying shares, has been held by producers of raw sugar whose entire output is refined and sold by the taxpayer. The dividends on capital stock have not exceeded 8 per cent per annum. The primary purpose and function of the corporation is to refine and market the raw sugar produced and shipped to it by all of its stockholders and also to market a by-product of the raw-sugar industry commonly known as waste or black-strap molasses. The raw sugar received from the plantations is marketed under a contract dated November 1, 1926, and under the terms of this contract the corporation receives all the raw sugar produced by the plantations and sells the same for their individual accounts.

The blackstrap molasses is not sold under the sugar contract but is handled under a separate contract which is similar to the raw-sugar contract in its effect. The evidence indicates that 100 per cent of the sugar business transacted during the fiscal year ended November 30, 1927, was with members. With respect to the molasses business, which constitutes less than 2 per cent of the gross proceeds realized, it is stated that during the period ended November 30, 1927, 88.12 per cent of the net business was transacted with members. A small amount of molasses of nonmembers was handled by the corporation with the consent of the stockholders as a matter of accommodation to three plantation owners inasmuch as the quantity of molasses available from these plantations was so small that it was impractical for them to arrange for shipping and sale in the United States.

Although the New York market price is used in determining the amount of the initial payment to be made to the members for deliveries of raw sugar, each member receives actual receipts from the sale of refined sugar, less all operating costs and expenses, plus or minus financial gains and losses, and less 6 per cent withheld in proportion to the tonnage of raw sugar delivered to the company. The evidence indicates that 6 per cent deduction mentioned above is in addition to operating costs and expenses and according to the taxpayer constitutes a reasonable amount for necessary purposes of the company to redeem its bonds under a sinking-fund agreement and to provide funds for necessary plant expenditures. It is stated that nonmembers received the net selling price of their molasses, less freight from the Hawaiian Islands to the United States.

Based upon the foregoing it is held that the corporation is entitled to exemption under section 231 (12) of the revenue act of 1926 inasmuch as its method of doing business is in accordance with the provisions of the law and the regulations promulgated thereunder.

Based upon the above there is no tax liability. There is, therefore, an overassessment of \$166,324.68 which is allowable under the provisions of section 284 (b) of the revenue act of 1926.

In view of the foregoing it is recommended that the certificate of overassessment for the fiscal year ended November 30, 1927, herein outlined be allowed.

C. M. CHAREST,  
General Counsel, Bureau of Internal Revenue.

Approved.

ROBT. H. LUCAS,  
Commissioner of Internal Revenue.

LXXII—714

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

HELEN T. SCOTT

The SPEAKER. The Clerk will report the next resolution. The Clerk read as follows:

## Senate Concurrent Resolution 30

*Resolved by the Senate (the House of Representatives concurring),* That there shall be paid out of the contingent funds of the Senate and House of Representatives to Helen T. Scott, widow of Walter W. Scott, late an employee of the Joint Committee on Printing, a sum equal to six months of his compensation as such employee, one-half of said sum to be paid by the Senate and one-half by the House, and an additional amount, not exceeding \$250, to defray the funeral expenses of said Walter W. Scott, shall be paid by the House.

The resolution was concurred in.

## ADDITIONAL CLERICAL SERVICES IN THE ENROLLING ROOM

The SPEAKER. The Clerk will report the next resolution. The Clerk read as follows:

## House Resolution 249

*Resolved,* That there shall be paid, out of the contingent fund of the House, during the remainder of the present session, not exceeding \$150 for additional clerical services in the enrolling room.

The resolution was agreed to.

JAMES W. BOYER, JR.

The SPEAKER. The Clerk will report the next resolution. The Clerk read as follows:

## House Resolution 227

*Resolved,* That there be paid out of the contingent fund of the House \$1,200 to James W. Boyer, Jr., for extra and expert services as expert legal examiner to the Committee on World War Veterans' Legislation during the first and second sessions of the Seventy-first Congress.

With the following committee amendment:

Page 1, line 2, strike out the figures "\$1,200" and insert "\$600."

The amendment was agreed to.

The resolution as amended was agreed to.

## STOP WAR PROFITEERING

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks on House Joint Resolution 251, in which the House concurred in the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, the simple and manifest purpose of this resolution is to have a commission of Members of Congress and of the Cabinet come together, confer, study, consider, and report to the President and to the Congress how the making of profits as a result of war by a part of the people while the other part suffer unusual and extreme hardships and make great sacrifices may be prevented. There is nothing sinister nor mysterious about this resolution. It is not a party question, because both major parties have heretofore declared in their national platforms that it is the duty of Congress to legislate in advance, so that if war should come, the conscienceless profiteering which occurred during the World War, and which has occurred during all the wars that our Nation has engaged in, may be prevented, and if not totally prevented, may be reduced to a minimum, and thus greater equality in bearing the burdens of war be accomplished.

Mr. Speaker, the origin of this resolution is not what some of its opponents have imagined. It did not originate in either the War Department or in the Navy Department, nor in the cloistered circle of any jingoistic or militaristic group. When the 4,000,000 citizens who were temporarily in the military service during the World War were demobilized they went home with a resolution firmly fixed in their hearts that they would do all in their power to see that, if another war should come, there would not be a great crop of persons grow rich out of the emergency of the Nation, as was the case during the last war. It has been estimated that at least 20,000 persons became millionaires as a result of mere war profits, and, of course, those who were already millionaires, or, at least, most of them, had their fortunes greatly increased by war profits.

Mr. Speaker, when the American Legion was tentatively organized even in France, and subsequently organized by duly elected representatives after the return to America of our expeditionary forces, one of the first definite objectives set up by these patriotic and unselfish ex-service men was the ultimate enactment into law of provisions to stop war profiteering. In fact, the American Legion has but two great fundamental mis-



sions—first, to see that all ex-service men who have been disabled as a result of such service shall obtain fair and reasonable compensation and hospitalization; and, second, to see that some sort of legislation is enacted to prevent the slacker who dodges military service, or the man who by reason of age or disability may not be liable to military service, from staying at home making his millions of war profits out of the necessities and dislocations and demoralizations of economic conditions while the soldier is at the front forming a wall of defense with his own flesh and sacrificing his time, his family, his health, and perhaps his life.

In fact, Mr. Speaker, the hearts of the millions of the American people cry out for peace in common with the longing for peace in the hearts of the masses of the people of every civilized nation. Consequently, after the great suffering and waste and destruction of the World War, the minds of our more than 100,000,000 people were searching here and there and everywhere for plans and methods to prevent or, at least, to discourage future wars. Out of all of this sentiment grew the League of Nations, and the World Court, and the demand for the outlawing of war, and for the codification of international law, and finally more than a half hundred nations ratified and approved the Kellogg peace pact, whereby these nations renounced war as an instrument for promoting their national policies. Thousands of suggestions have been made in newspapers and magazines as to how to discourage war. It has been proposed that before Congress declare war there should be a solemn referendum on the question to all the people of the Nation, so that they might declare by secret ballot their sentiments on the question. Hundreds of plans for international cooperation and for bringing about international understanding have been proposed.

I repeat, Mr. Speaker, that the fundamental idea sought to be accomplished by House Joint Resolution 251 is in the interest of the people. Former President Harding, as he stood among the thousands of dead bodies of our brave boys on the pier at Hoboken, declared, with a voice choking with emotion, while his face was bathed in tears, that "this thing must not happen again." It was this same President Harding who, in his inaugural address, sounded the first official declaration that in the future in the event of any inevitable war of defense there should be equal service and equal sacrifice for all American citizens and special profits to none.

President Harding repeated this sentiment in a subsequent message to Congress. The national convention of the American Legion and various State conventions and thousands of posts solemnly resolved that these noble sentiments of President Harding must be made effective by being enacted into law in advance of war, while the lessons drawn from the mistakes and failures of the recent war are still fresh in the minds of the people.

Consequently, Mr. Speaker, on December 6, 1922, being moved by the feelings and impulses herein sought to be expressed, I offered the first resolution ever introduced in Congress on this subject, whereby profiteering was denounced and equalization of the hardships and sacrifices of the war demanded, and that a commission be appointed to study the whole question and to make a report to the Congress of the manner and means by which these noble aims might be accomplished. That was House Joint Resolution 400. It was introduced again in the Sixty-eighth Congress and became House Joint Resolution 128. On that resolution hearings were had before the Committee on Military Affairs on March 11, 13, and 20, 1924, and those hearings cover 250 printed pages and constitute a valuable compilation of material on the subject. The original resolutions were referred to the Committee on Military Affairs. However, in the Seventieth Congress, with my entire approval and consent and cooperation, a resolution in practically the same language was introduced by the Hon. J. MAYHEW WAINWRIGHT, of the State of New York, and that was referred to the Committee on Rules. In the meantime a number of bills had been introduced seeking legislation directly and without any previous study.

Prominent among these bills was one popularly known as the Capper-Johnson bill, which proposed to empower the President, at his discretion, in the event of an emergency as well as war, to mobilize all the material and human resources of the Nation. That and other bills were referred to the Committee on Military Affairs. Some hearings were conducted on this and other bills from time to time. I expressed my opposition both upon the floor and in committee to the enactment of the Capper-Johnson bill into the law, on the ground that it did not set up any guarantee that profiteering would be prevented in time of war, but on the other hand vested such unlimited discretion in the President as to make it possible for the President, whenever he thought a national emergency existed, to draft directly into the

Federal service all the human services of the Nation, and to draft all the material resources of the Nation, so as to result in the scrambling, dislocating, and demoralizing of all the ordinary processes and institutions of business and of life. I did my share to defeat this bill and in calling the attention of the Congress and of the country to the danger involved. If the President were a powerful and ambitious man, or if he were a weak character, subject to the sinister influences of a secret militaristic group, he could, upon slight pretext, throw the whole Nation into a state of war, set up martial law, disorganize and destroy private business and private property, and thus wreck both the blessing of individual and private ownership in property and at the same time destroy the liberties of the people. That bill was riding and parading upon the strength of the noble and unselfish and patriotic sentiment of the masses of our people to stop profiteering in the time of war, but instead of stopping profiteering, it made possible conditions that would be a thousand times worse than profiteering.

But, Mr. Speaker, I was resolved not to be deflected from the primary and original unselfish and patriotic desire of our people to put a stop, as far as possible, to the unfair and unjust practices that have heretofore prevailed in time of war. Hence I supported the resolution of the honorable gentleman from New York [Mr. WAINWRIGHT], and when I learned that the Hon. BERTRAND H. SNELL, of New York, chairman of the powerful Rules Committee, had introduced virtually the same resolution in the Seventy-first Congress, being the resolution now known as House Joint Resolution 251, I was very pleased and was still firmly resolved to support it with all my energy. Hence, when the matter came up for consideration in the House on April 1, 1930, I did everything in my power to secure the adoption of the resolution. It is true that I supported certain amendments to the resolution which I thought clarified it, and certainly did not militate against the main purpose. Especially did I support the resolution of the gentleman from Alabama [Mr. HUDDLESTON], which provided that the commission proposed to be set up should not consider and report upon the conscription of labor. When that amendment was offered on the floor of the House I had already made some remarks stating that I was opposed to the conscription of labor and that, as I understood the position of the Hon. Bernard M. Baruch, who was chairman of the War Industries Board during the World War, he also agrees that it is impracticable, unwise, and inexpedient to seek to conscript labor under the guise that human services are necessary for military purposes, and to take human beings by force of law and place them in various industrial and munitions plants to work, not as civilian wage earners but under military law and military discipline.

I hold that Congress has no power to compel a human being to render any service except strictly military service in the defense of the Nation. The war power and all the war power was by the States conferred upon the Federal Government, but that war power is limited to making war upon the enemy, either foreign or domestic. But being bitterly opposed to the absurd lengths to which some persons would seek to carry the principle of universal service in time of war—and, consequently, of universal draft—I have stuck consistently and persistently to the original and fundamental fact of suppressing profiteering in time of war, an object approved of by the minds and consciences of at least 99 per cent of the American people.

Mr. Speaker, I have asserted, and I repeat, that the essential thought underlying this resolution is a part of the world craving for peace. I respectfully call your attention to an article which appeared in the Atlantic Monthly of February, 1925, while the griefs and grievances of the World War were still very fresh in the public mind. This article by Mr. Sisley Huddleston, entitled "An American Plan for Peace," is one of the calmest, most rational, and most suggestive statements of the great objective underlying the declarations of President Harding, underlying the resolutions of the American Legion, and underlying this action of the American Congress. The movement is in the interest of the people. It is believed that certain groups are perfectly willing to permit, if not to foment, animosities, prejudices, and hatreds to grow to uncontrollable proportions and finally to break out in war, in the hope and expectation that these groups will reap the huge profits in money that the history of previous wars shows to be possible.

This selfish and traitorous practice of profiteering upon both the Government and the civilian population in time of war is no new thing in the world. It was practiced to such an outrageous degree during the Revolutionary War that the Congress of the United States resolved—

That some persons in this city (of Philadelphia) are governed by principles inimical to the cause of America, and with views of avarice and extortion have mobilized and engrossed shoes, stockings, and other



necessaries for the armies, while the soldiers of the continent, fighting for the liberties of our country, are exposed to the injuries of the weather—

and that the State of Pennsylvania should adopt legislation correcting this evil and punishing these practices. For the second time the American Congress was called upon to call this outrage and injustice to the attention of the States which then alone had legislative power, and consequently acts prohibiting and punishing such avaricious conduct were passed by the States of Massachusetts, Pennsylvania, and probably other States. George Washington stated about this time in one of his letters dealing with the curse of profiteering that—

I would to God that one of the most atrocious in each State was hung in gibbets upon a gallows five times as high as the one prepared for Haman. No punishment, in my opinion, is too great for the man who can build his greatness upon his country's ruin.

So it was during the War of 1812, during the war with Mexico, during the War between the States, during the war with Spain. The heart and conscience of America have cried out that this thing must not be again. I call your attention to an article which appeared in the December, 1924, number of the magazine entitled "Our World," written by the Hon. Bernard M. Baruch, himself an authority on finance and economic questions, on the methods and machinery by which we can and should stop war profiteering.

Consequently, Mr. Speaker, when it became apparent that the so-called Capper-Johnson bill could not pass Congress, the American Legion, through its national commander and national legislative committee, got behind what was originally the "McSwain resolution," subsequently the "Wainwright resolution," and ultimately the "Snell resolution." I have supported all of these resolutions at every stage and here and now state from my personal knowledge of its origin and of the purposes back of it that it is purely patriotic and unselfish and in the interest of the people and justice. But it has this additional angle and advantage. It will discourage the jingoistic spirit among the capitalist classes, because it is notice to them in advance that they can not make profits in time of war and that the taxes on their property to conduct war will be very heavy both during war and after the war. But it also has a deterrent influence upon any nation or people that might be disposed to attack our territory or to deny and to defy our rights. It means that we will not stir up war, that we will not institute and prosecute a war of aggression. We know that the millions who must fight in the ranks, who must suffer in the hospitals, who must languish and die upon the field will never agitate the commencement of an unjust war. But we do know that these same millions of people, of every rank and station, have the Anglo-Saxon spirit of putting justice and honor above life itself, and that if any other country should trespass upon our rights, these Americans will fly to the defense of America.

Consequently, other nations would know, if this principle of universal service without war profits that we are now discussing should become law and be the settled policy of this Nation, that if our country ever does feel justified in fighting in defense of its rights, then it will fight with every power and resource and energy, both human and material, and will thus be able to strike such a blow with its combined and unified strength and resources as to be irresistible. Thus, this American plan for peace means peace with a double aspect. It means that America will never aggressively and selfishly break the peace, and it means that other nations will be afraid to break the peace by attacking America.

Mr. Speaker, America is a peace-loving people. Our Nation, for the first time in the history of the world, incorporated in its Constitution the provision that war should be declared only by the representatives of the people. Congress alone can declare and make war. The history of our Nation shows that Congress has never been hasty to declare war. When war has been declared it has been by an overwhelming majority and by a nonpartisan vote. In fact, Congress has always lagged behind the popular sentiment. Congress has been slow to gather the feeling of the country, and only after certain assurance that the war will be supported by practically the whole population has Congress ever dared to declare war. In this respect Congress has ever been truly representative of the feelings and desires of the people.

Now, Mr. Speaker, when we come down to the motion before the House to concur in the Senate amendments to the House resolution, I voted to concur and sought an opportunity to explain to the Members of the House that, in my judgment, we should all vote to concur in those amendments. The Senate had adopted only two amendments, neither of which is, in my judgment, material or in any way affects the sense, the purpose, or

the object of the resolution. The first amendment which the Senate proposed was to strike out this language:

So as to empower the President immediately to mobilize all the resources of the country.

This ought to be entirely in harmony with the views of those who have opposed the resolution. The striking out of these words does not defeat the object of the resolution, which is merely to authorize the commission to study the question and to make definite and concrete report which will epitomize and express the consensus of the best opinion of the Nation on the subject. As to the other amendment, the Journal of the proceedings in the Senate shows that the words "without profit" were struck out on motion of the Senator from Washington [Mr. DILL]. The language of the resolution as it passed the House authorized the commission to—

Study and consider amending the Constitution of the United States so as to provide that private property may be taken by Congress for public use without profit during war.

The amendment offered by Senator DILL merely strikes out the words "without profit." So the commission is now authorized to study and consider an amendment to the Constitution providing for the taking of private property for public use during war.

It says nothing about compensation or no compensation. Furthermore, in the same paragraph of the same resolution the commission shall report if in their opinion any constitutional amendment be necessary to accomplish the purposes desired. Manifestly the purpose is to equalize the burdens of war and to remove the profits of war, and to study and determine the policies that our Nation should pursue in the event of war. Therefore if the commission concludes that a constitutional amendment be necessary to accomplish these purposes, the commission will so report. But the report of the commission will have no force as law. It will only be the concrete, practical, definite statement of what responsible American public officials think on the subject. It will be a statement of the most historic and far-reaching significance. Congress will have the report and recommendations of the commission before it and Congress may consider and deliberate upon that report as long or longer than it has been considering this resolution, which is about eight years. Even if it takes Congress 10 years after such report is rendered to enact suitable and proper legislation to accomplish the purposes desired, it will be time well expended, and the Nation will render its grateful thanks, and posterity will rise up to call such Congress blessed. Even if the report of the commission is never made the basis of any future legislation on the subject, it will nevertheless be a document of surpassing importance. It will be turned to by the Members of Congress during the period of any future war our country may be engaged in, and that report will be appealed to as the solemn declaration of the calm and collected judgment of what reasonable and responsible American public men thought and felt while it was yet peace, and before the fever and furor of war had disturbed the thinking of men.

Consequently, Mr. Speaker, I voted for the previous question on the motion to concur in the Senate amendments, and I voted for the concurrence by the House in said amendments. If the House had not concurred, then only two courses were open—one would be to let the matter lie upon the table and thus die a natural death; the other one would be to disagree to the Senate amendments and to ask for a conference. I could see no reason nor necessity for such delay. In my judgment the Senate amendments in no way affect the meaning nor purpose nor future results of the resolution. The words stricken out do not control the future action of the commission. The words stricken out do not substantially change the meaning and proper and reasonable construction of the resolution. Feeling this way about it, I could see no necessity for causing delay and possibly having the resolution caught in a jam arising from the necessity of a conference and subsequent action by both Houses. The Senate amendments are perfectly harmless and immaterial so far as the object to be accomplished is concerned. I was informed by the chairman of the national legislative committee of the American Legion that he and his associates among the responsible national officers of the American Legion agree with me in holding that these amendments do not justify a conference between the two Houses. Since the amendments are innocent, since a conference might delay and imperil the passage at this session of the resolution, I voted for the concurrence by the House, and regret that I had no opportunity to explain to the Members of the House before the vote was taken how I regard this question.

In conclusion, let me refute one statement that I have heard made privately and intimated upon the floor of the House. It



is that the national officers of the American Legion in supporting this resolution do not represent the feeling of the rank and file of the ex-service men of America. It has been hinted that these national officers have been inspired by suggestions from Army and Navy officers. Furthermore, it is claimed that the American Legion officers represent only the sentiment of the former American Army officers and not the privates in the ranks. But I respectfully submit that the suggestion is not well founded in fact. The former private soldiers of the American Army are more bitter in their animosity to the war profiteers than any other class. I submit that any speaker can appear before any audience, and if he denounces selfish, greedy, and rapacious profiteering in time of war, he will receive the genuine and sincere applause of 95 per cent of any audience that can be assembled in America. I believe that a vast majority of the Members of Congress have frequently denounced in their speeches to their constituents the practice of profiteering in time of war, and have pledged to their constituents to bring about legislation to prevent that hideous evil. In fact, both great parties by their solemn platform declarations, have denounced this shameful and disgraceful incident and usual consequence of war. The truth is that all our people, men and women, old and young, and especially all our ex-service men, whether officers or enlisted men, not only approve of proper steps taken to suppress this moral crime of war profiteering, but they demand that their representatives in Congress support every reasonable and practical measure moving to that ultimate and desirable end.

Since the World War ended, dozens of bills seeking legislation and quite a number of resolutions proposing amendments to the Constitution have been offered by individuals, Members of both the House and the Senate, for the purpose of accomplishing what the American Legion authorities and manifestly a clear majority of Congress now regard will be ultimately accomplished by this resolution. This common object is the suppression of the greedy and avaricious practice of profiteering upon the Government and the people in time of war. The distinguished Senator [Mr. DILL] who offered the amendment to strike out the words "without profit" which was adopted by the Senate and in which the House has concurred, introduced in the Senate a joint resolution on January 6, 1930, known as S. J. Res. 128, proposing an amendment to the Constitution in the following language:

Congress shall have power in time of war to take private property for public use and for purposes of national defense, and to fix the compensation for the same; and to take private property without compensation by declaring the same to be necessary for purposes of national defense.

By reading this language it is manifest why the distinguished Senator offered the amendment. By striking out the words "without profit" the resolution now passed by Congress will contain practically the same language as is contained in the first part of the proposed amendment sponsored by the Senator from Washington.

As I told the House when that resolution was under consideration, this question is one of the most far-reaching and fundamentally important and most complicated and many-sided of any matter that has been before the Congress in many years. While there has been unjustified delay in the passage of this resolution to provide for the study of the question by a special commission that will sit in the recess of Congress, when it can concentrate its attention upon this subject without the numerous interruptions that we suffer from during the ordinary session of Congress, yet we who believe in the righteousness and justice of the principle involved have reason to rejoice that the matter has come to an end, and doubtless the President will promptly sign the joint resolution and it will thus become law. When the Speaker of the House and the Vice President shall designate the Members of the House and Senate to constitute the congressional members of the commission, then they can begin at once to gather material, to analyze the whole subject, and to prepare individually for the collective and corporate work of the commission, which should begin in the fall and continue from time to time through the winter and the next spring and summer so as to be prepared to make a thorough, comprehensive, and practical report by the time required under the terms of the resolution.

The far-reaching importance of this step can only be dimly envisaged by the most unselfish and patriotic mind. Those who love humanity, those who hate any war other than a war for justice and righteousness and for human liberty, those who believe that the inequality of sacrifices that have heretofore been suffered by our citizens during war should no longer be tolerated, all such will rejoice that a definite step has been taken to put this Nation once more in the lead and in another respect of all the nations in the world. As our Nation has led in con-

stitutional liberty, as we have led in placing the sword in the hands of the representatives of the people, as we have led in making war solely for humanity and for our own defense and in defense of the rights of all men, so we are about to lead in another great fundamental movement of profound and widespread significance to the people of this country, to our children and our children's children, and to the peoples of other nations, who will surely follow our lead in this respect as they have followed in so many other respects. Let us continue to point the way of justice and liberty to all other nations of earth. Let our action on this great question be a new declaration of independence.

#### VICIOUS JOKERS IN BORDER PATROL ACTS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to insert in the RECORD a discussion of H. R. 11204 by my colleague the gentleman from Michigan, Mr. CLANCY.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following discussion of H. R. 11204 by my colleague, the gentleman from Michigan [Mr. CLANCY]:

JUNE 19, 1930.

MY DEAR COLLEAGUE: May I take the liberty of calling to your attention a bill which will injure seriously hundreds of thousands of American citizens and do considerable damage to the small-boat industry in this country if it is enacted into law?

I refer to H. R. 11204 known as the border patrol act of 1930. This bill has been granted a rule and unless the House leaders take action otherwise it will follow the urgent deficiency bill and will come up for consideration on Saturday of this week or early next week.

Very briefly I wish to refer to some of the sensational features of this measure as it now stands. It makes a new crime in American Federal law. Under the present law millions of American citizens who are on foot or in small boats under 5 tons' burden need not go to the trouble of traveling many miles, in most instances, to report at a customs office, if they made an innocent trip to Canada or Mexico and have not purchased dutiable goods abroad.

H. R. 11204 makes it a crime if these pedestrians and small-boat passengers do not report even when they have not purchased dutiable goods abroad. They are subject to immediate arrest, a fine of \$100, and the confiscation of their boat, even though it may cost as much as \$20,000, if they do not travel to a customs office.

I have talked with members of the House Interstate and Foreign Commerce Committee and of the House Rules Committee, both of which committees were instrumental in reporting out this bill. They were astonished to learn that the bill probably repeals most wise and beneficial navigation laws and tariff acts which were put on the statute books as a result of experience and sage counsel.

The bill provides also for the un-American practice of voluntary or compulsory registration of American citizens, millions of whom live on the border. The American Federation of Labor although opposed to the entrance of aliens into the United States took a stand at its convention at Atlantic City in 1925 against alien registration on the ground that it might eventually lead to registration of American citizens. H. R. 11204 makes registration of American citizens absolutely necessary, if they live on the Canadian or Mexican border and intend to visit back and forth in the future as they have done for decades in the past.

By hampering and restricting innocent travel between Canada and the United States and Mexico and the United States the bill will undoubtedly develop bad feeling with those two friendly neighbors. This is unwise at a time when tariff reprisals are being discussed by their officials.

The bill greatly extends the power of arrest of American citizens, and its aim as is discussed in the hearings is to promote arrest and holding of American citizens on suspicion until some other crime can be proved against them. The bill was never referred to the Secretary of Commerce for report as should have been done, as it proposes changes in the navigation laws, whose enforcement is vested in the Department of Commerce.

The bill was never referred to the House Judiciary Committee, although it legislates a new crime and greatly increases the power of arrests by border patrolmen in the interior of the country, which is a bad public policy and which, as disclosed in the hearings, has met with resistance by both American citizens and American officials in the interior of the country.

The bill vitally changes the navigation laws of 1912, exempting yachts under 15 tons burden from customs inspection when they visited contiguous countries and have not purchased dutiable merchandise.

It also repeals two tariff provisions of the act of 1922 which were wisely put in the law. Yet the bill was never referred to the Merchant Marine and Fisheries Committee for consideration of repeal of the navigation laws or to the Ways and Means Committee for repeal of the tariff provisions.



You may consider the unification of the immigration border patrol and the customs border patrol a good measure, as most Members undoubtedly will, but also on grounds of public policy they should object to the punitive and persecution features which have been slipped into the bill.

The smuggling of aliens is already a crime, as is the smuggling of merchandise. Laws already on the books provide for report at immigration and customs offices where there is entry of aliens of foreign merchandise.

The bill should not be thrown on the floor in its present condition, as it will be difficult to amend. The report of the Treasury Department expressly stipulates that while there shall be over 200 new ports of entry on the Canadian and Mexican borders there shall be none on the fifteen hundred miles of border from Ogdensburg, N. Y., to Duluth, Minn., as complaint is boldly made that there are already enough ports of entry in this region, although these present ports are widely scattered, and in one instance are as much as 250 miles apart.

On the Great Lakes and rivers the bill works an intolerable hardship to the owners of canoes, rowboats, sail yachts, and motor boats, who are now specifically protected by the navigation and tariff laws.

The bill will create a new class of hundreds of thousands of innocent Americans who will immediately become law violators and probably criminals.

I have scores of protests on the bill from highly reputable yacht clubs, boat builders, village and city officials, and American citizens of unimpeachable character.

I refer you to my extension of remarks in the CONGRESSIONAL RECORD of June 18, pages 11537-11540.

Members of Congress representing States on the Canadian and Mexican borders should be intensely interested in this bill, as undoubtedly there will be a wave of fierce indignation against this repressive measure in all the border States, in which millions of good American citizens are adversely affected.

Sincerely yours,

ROBERT H. CLANCY,  
*Member of Congress.*

ANTHONY MARCUM

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3430) for the relief of Anthony Marcum and agree to the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, after "\$5,000," insert ", said sum to be paid to his guardian or legal representative for the exclusive use and benefit of the boy."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

B. FRANK SHETTER

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 745) entitled "An act for the relief of B. Frank Shetter," with a Senate amendment, and concur in the Senate amendment.

There was no objection.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That sections 17 and 20 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, are hereby waived in favor of B. Frank Shetter, who suffered injuries while in the performance of his duties as checker at the arsenal, Rock Island, Ill."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

RUBAN W. RILEY

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3764) for the relief of Ruban W. Riley, with a Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That sections 17 and 20 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, are hereby waived in favor of Ruban W. Riley, who lost the sight of his right eye as a result of a fall from a cliff while in the performance of his duties as United States surveyor."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

#### LEAVE TO ADDRESS THE HOUSE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that on next Tuesday morning, following the disposition of matters on the Speaker's table, and at the pleasure of the Speaker, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

Mr. SNELL. Reserving the right to object, what does the gentleman mean by "at the pleasure of the Speaker"? We have some important business to transact next Tuesday, and I do not want to give way for a 30-minute speech.

Mr. HOWARD. As a Member of the House, sworn to aid the Speaker, I do not want to do anything contrary to his pleasure.

Mr. SNELL. I shall have to object to that at this time.

#### SECOND DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12902, the second deficiency bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### LEGISLATIVE

##### HOUSE OF REPRESENTATIVES

For payment to the widow of R. Q. Lee, late a Representative from the State of Texas, \$10,000, to be disbursed by the Sergeant at Arms of the House.

Mr. JOHNSON of South Dakota. Mr. Chairman, I move to strike out the last word. I have a matter which I think could be brought up as a matter of personal privilege, but I do not wish to raise that question. Therefore I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Chairman, during all of the years I have been a Member of the House it has been my policy never to attack any individual unless as a matter of personal defense it was absolutely necessary. I have always had the theory that there is plenty of trouble in the world without my trying to add to it. But occasionally attacks made on Members of the House require answer, and one that was made upon me in the last primary campaign, and continues to be made, I think requires an answer. I ask the Clerk to read in my time a letter which was published as paid advertising in many of the papers in the second district of South Dakota during the late primary campaign, and which refers to and misrepresents my attitude on veterans' legislation.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

#### ONE MORE DISABLED VETERAN WANTS JOHNSON BEATEN

##### UNITED STATES VETERANS' BUREAU HOSPITAL No. 72,

Fort Harrison, Mont., April 21, 1930

Mr. TOM AYRES,

*Manager Dakota Free Press, Aberdeen, S. Dak.*

DEAR MR. AYRES: Several of the boys have written to you from this hospital, but I thought I would drop you a line, since I am from Aberdeen, S. Dak. I wish you every success in your campaign for Congressman, and certainly hope that you defeat ROYAL C. JOHNSON.

Mr. JOHNSON, I think, is no sincere friend of the disabled soldiers, since in his position as chairman of the World War Veterans' Legislative Committee his vote caused the tie which ruled out the Rankin bill, H. R. 7825.

What made the men here disgusted was the fact that in the next D. A. V. paper ROYAL C. JOHNSON wrote an article where he blandly mentions that he thinks that the rest of Congress should abide by the decision of the committee, since the majority was not in favor of the Rankin measure, when it was a strict tie, and if JOHNSON had not voted the majority would have gone for the Rankin measure. I do not think it is customary for a chairman to vote, and in this case ROYAL C. JOHNSON voted, causing a tie, and then in his position as chairman ruled the Rankin measure out. I would like very much to have this brought to the attention of the voters, as I am sure if they knew the facts they would give you every support in preference to ROYAL C. JOHNSON for Congressman.

Yours for success,

[Name deleted],  
Uncompensated T. B.



Mr. JOHNSON of South Dakota. Mr. Chairman, some one paid money, and considerable money, to have that published in practically every paper in the district. It is typical of the propaganda which was conducted by the gentleman from Mississippi [Mr. RANKIN], and the same man who wrote this letter has undoubtedly written many letters to all the Members of the House. With all sympathy and thinking that this man might be a World War veteran who was suffering, and came from my home city, I wanted to take care of him and investigated his case. With that in mind I surveyed that case, together with several others. I found that it is typical of the propaganda for the Rankin bill. Instead of having World War service I found that this man enlisted on May 1, 1919, five months after the World War, for the Philippine service. On June 26, 1919, a few days after he enlisted, he shot his own foot. On July 22, 1920, he contracted syphilis. I ask unanimous consent that the complete hospital record may be included as an extension of my remarks.

The CHAIRMAN. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Chairman, reserving the right to object, I understand that the hospital and medical records of all veterans in the War and Navy Departments are confidential, and they are held so confidential that an immediate member of the veteran's family can not obtain information relating to the hospital and medical record.

Mr. JOHNSON of South Dakota. Does the gentleman object? I guarantee that this is the official record.

Mr. SCHAFER of Wisconsin. I do not think it is a good policy in view of the fact that the War Department holds the medical record so confidential as to even keep it from the soldier's own family.

Mr. JOHNSON of South Dakota. Mr. Chairman, I withdraw the request. The record shows post hospital, Scott Field, Illinois, June 26, 1919—

Mr. SCHAFER of Wisconsin. Mr. Chairman, I make the point of order that under the rules of the House the gentleman is not permitted to read that record or any other paper.

The CHAIRMAN. The Chair does not know whether the gentleman is reading or stating the contents in his own words.

Mr. JOHNSON of South Dakota. I am stating the facts concerning his service and disabilities. He enlisted May 1, 1919, and was discharged June 11, 1922. His entire service was in the Philippine Islands.

On June 26, 1919, 15 days after he enlisted, he was accidentally shot and was at post hospital, Scott Field, Ill., from June 26 to July 3. In the Philippine Islands on July 22, 1920, he contracted syphilis, not in line of duty, and shows plus Wassermann reaction. On June 29, 1921, he was in the hospital at Manila with syphilis, secondary, double plus Wassermann reaction, not in line of duty. The soldier was not in service in the United States except for a few days, which service commenced nearly five months after the armistice.

Purely out of sympathy and charity I will delete the name of this man from the letter, and it will not be printed in the CONGRESSIONAL RECORD, but the complete file is available at my office to anyone who questions the statements made.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the gentleman from Wisconsin moves to strike out the last two words and asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. WOOD. Mr. Chairman, I shall not object to the gentleman who now wishes to speak out of order, but we must get along with this bill, and I shall object to anyone else who undertakes to speak out of order.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I take the floor at this time to protest against the action which has taken place in the well of the House a few moments ago. As the Members of Congress well know, we can not obtain a medical record from the Navy Department without the signed authorization of the veteran.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. JOHNSON of South Dakota. Does not the gentleman know that whenever he is inquiring in regard to a case he has no trouble in getting one of these records, and neither does anyone. I got this one to help the man, thinking perhaps he had been abused.

Mr. SCHAFER of Wisconsin. In the case of a member of the Military Establishment, a Member of Congress can obtain

the medical record for use in his official capacity without the veteran's authorization, but you can not obtain a medical record from the Secretary of the Navy or the Commandant of the Marine Corps unless you transmit the veteran's signed authorization indicating that the record should be furnished. The records of the Veterans' Bureau are so confidential, under the laws enacted by Congress, that an abandoned wife of a World War veteran can not obtain his residence as indicated in the files in order to locate him in order to prefer charges against him to support minor children.

I do not deem it proper to read into the CONGRESSIONAL RECORD and broadcast any man's medical record to all parts of the country. I think practically every veteran of the World War, or any other war, would resent having his confidential medical record broadcast in the CONGRESSIONAL RECORD.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LOZIER. Mr. Chairman, will the gentleman yield for a question?

Mr. SCHAFER of Wisconsin. In one moment. I believe that the gentleman from South Dakota was hasty in the matter. I realize that there has been propaganda in favor of the so-called Rankin bill, propaganda misstating the actions and votes even of members of the World War Veterans' Committee. But that would not justify broadcasting to the country a confidential medical record. I sincerely hope that upon further consideration the distinguished gentleman from South Dakota will not incorporate in the RECORD any medical record in a manner such as would identify it as the record of any particular service man. I hope the gentleman from South Dakota will withdraw his statement from the RECORD. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I have an amendment to offer: Page 2, line 8, strike out "\$10,000" and insert "\$11,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 8, strike out "\$10,000" and insert "\$11,000."

Mr. LAGUARDIA. Mr. Chairman and members of the committee, this job of being a Congressman very often is not as pleasant and agreeable as many people may believe.

One of the greatest hardships of a Member is to be the target and subject of unfair abuse and attack, just as we heard read a few moments ago against our colleague, ROYAL C. JOHNSON of South Dakota. [Applause.] Anyone who knows the record of ROYAL C. JOHNSON knows that it is unjustified and manifestly unfair in a political campaign to say that JOHNSON has not been a friend of the veterans. [Applause.]

No one desiring to be fair could say that. The best friend that the veterans have is one who served with them and who suffered with them; and when it comes to real friendship for the veteran I have more confidence in the sincerity and solicitude of ROYAL C. JOHNSON than in some political friend of the veterans just before an election. [Applause.]

I wish I had in my hand now to insert in the RECORD the military service rendered by ROYAL C. JOHNSON. He and two other Members of the Sixty-fifth Congress, one of them being Victor Heintz, of Ohio, and a third Member left this House and went into the Army. While I have not JOHNSON's record here, yet you will find that his military record was a real gallant record of actual combat, right in the trenches, fighting alongside of his buddies. [Applause.] ROYAL C. JOHNSON to-day wears a badge of service, not on dress parades in the shape of a medal, but ROYAL C. JOHNSON has a wound that big [indicating] in his body from a shrapnel shell. I contend that such a man who has been through hell and fire should not be made the subject of an unjustifiable attack in the heat of a campaign, or that he should be attacked respecting his sincerity and solicitude for the veterans. [Applause.]

I withdraw my pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For expenses of special and select committees authorized by the House, fiscal year 1930, \$6,132.46.

Mr. WOOD. Mr. Chairman, I offer a committee amendment.



The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 2, after line 14, insert the following:

"For expenses of special and select committees authorized by the House, fiscal year 1931, \$20,000."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Not to exceed \$20,300 of the appropriation "Contingent Expenses, House of Representatives, Furniture and Repairs, 1930," is hereby made available for the furniture repair shops in lieu of the sum of \$20,000 heretofore made available for that purpose under such appropriation.

Mr. WOOD. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WOOD: Page 2, after line 21, insert the following:

"For folding speeches and pamphlets at a rate not exceeding \$1 per thousand, fiscal year 1930 and 1931, \$1,000."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the procurement of a portrait of Hon. NICHOLAS LONGWORTH, Speaker of the House of Representatives, \$2,500, to be disbursed by the Clerk of the House under direction of the Speaker.

Mr. BOYLAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BOYLAN: Page 2, line 24, strike out "\$2,500" and insert "\$5,000."

Mr. BOYLAN. Mr. Chairman, in support of my amendment I would like to say—

Mr. WOOD. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. WOOD. This portrait has already been painted. It is a completed job. It is paid for.

Mr. BOYLAN. The only thing I wanted to say in support of my amendment is that we have such a good Speaker that we should get a better portrait than one costing \$2,500. I think the Speaker is entitled to a \$5,000 portrait. Of course, ordinarily you could get a good portrait for \$2,500, but on account of the increased cost of everything we should honor the Speaker by getting the proper kind of a portrait, which would cost approximately \$5,000.

I am sure there will not be any opposition to this meritorious amendment.

The CHAIRMAN. Does the gentleman from New York insist on his amendment in view of the statement of the chairman of the committee that a contract has already been entered into?

Mr. BOYLAN. Of course, I will yield to my distinguished chairman, and I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from New York is withdrawn.

There was no objection.

The Clerk read as follows:

For payment for expenses incurred by RUTH BRYAN OWEN, contestee in the contested-election case of Lawson against Owen, audited and recommended by the Committee on Elections No. 1, \$36.40, to be disbursed by the Clerk of the House.

Mr. WOOD. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WOOD: On page 3, after line 26, insert:

"For payment for expenses incurred by H. F. Lawrence, contestant in the contested-election case of Lawrence against Milligan, audited and recommended by the Committee on Elections No. 2, \$2,000, to be disbursed by the Clerk of the House."

The amendment was agreed to.

Mr. WOOD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WOOD: On page 3, after line 26, insert:

"For payment for expenses incurred by Jacob L. Milligan, contestee in the contested-election case of Lawrence against Milligan, audited and recommended by the Committee on Elections No. 2, \$2,000, to be disbursed by the Clerk of the House."

The amendment was agreed to.

Mr. WOOD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WOOD: On page 3, after line 26, insert:

"For payment for expenses incurred by John Philip Hill, contestant in the contested-election case of Hill against Palmisano, audited and recommended by the Committee on Elections No. 2, \$2,000, to be disbursed by the Clerk of the House."

The amendment was agreed to.

Mr. WOOD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WOOD: On page 3, after line 26, insert:

"For payment for expenses incurred by Vincent L. Palmisano, contestee in the contested-election case of Hill against Palmisano, audited and recommended by the Committee on Elections No. 2, \$2,000, to be disbursed by the Clerk of the House."

The amendment was agreed to.

The Clerk read as follows:

#### EXECUTIVE

Investigation of enforcement of prohibition and other laws: For continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, together with enforcement of other laws, pursuant to the provisions therefor contained in the first deficiency act, fiscal year 1929, to be available for each and every object of expenditure connected with such purposes notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, \$250,000, together with the unexpended balance of the appropriation for these purposes contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931.

Mr. LAGUARDIA. Mr. Chairman, I make a point of order on the paragraph that it is legislation on an appropriation bill, not authorized by law. I will be glad to state my reasons.

Mr. WOOD. Will the gentleman withhold the point of order?

Mr. LAGUARDIA. Yes. I will reserve the point of order.

Mr. WOOD. Mr. Chairman, there is not any question in my mind about this paragraph being subject to a point of order, but I believe it would be unfortunate to strike out the paragraph.

Yesterday in my explanation of the bill I pointed out what had been done by this commission already and what their future program is to be, which is set out more in detail in the report and also in the evidence. I stated then that there was a mistaken idea that this commission has devoted its time almost exclusively to the eighteenth amendment and the prohibition proposition. As a matter of fact, they have investigated a great many other things. They have investigated police; they have investigated the courts; they have investigated the prison proposition; they have investigated the reason for the spread of crime. They have suggested quite a few matters of legislation that have been enacted into law by reason of the reports which they have rendered. I do not believe this commission should be stopped in the midst of its labors. I think we will all admit they have done some real good and have served some real purpose, and I hope the gentleman will withdraw his point of order.

Mr. LAGUARDIA. Of course, one can not contemplate a commission to study law enforcement without naturally inquiring whether the commission is being financed from funds properly appropriated under the law. I want to call the chairman's particular attention to section 673 of title 31 of the United States Code, which is Thirty-fifth Statutes, 1027, the act approved March 4, 1909:

No part of the public moneys or of any appropriations made by Congress shall be used for the payment of compensation or expenses of



any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law.

Nor shall there be employed by detail hereafter or heretofore made, or otherwise, personal services from any executive department or other Government establishment in connection with any such commission, council, board, or similar body.

In reply to what the distinguished gentleman from Indiana stated, the chairman of the commission appeared before the Committee on Appropriations and stated frankly the limitations of the commission. He admitted, or rather complained, that the commission could not state whether prohibition is enforceable or not. He said:

On the other hand, I would not be candid with you if I did not say that there has been a difference of opinion in the commission on that head. It has been our view that when we came to a thorough inquiry into the problem of the enforcement of prohibition, under the amendment and the laws, if we were convinced that prohibition could not be enforced, we ought to say so, and that if we were convinced that it was very problematical as to whether it could be enforced, we ought to say so; but, at the same time, up to the present the commission has proceeded on the theory that you have expressed, and which I have testified to before the Senate committee, that our job was to see whether the eighteenth amendment was being adequately and efficiently enforced.

Mr. Wickersham states frankly that the function of the commission is to determine whether the eighteenth amendment is "being adequately and efficiently enforced." What the country wants to know is whether prohibition can be enforced. The testimony before the committee indicates that the committee is limited and can not under the provision of the appropriation bill which created the commission study, comment, or advise whether the prohibition law is enforceable or not. That being so, the commission has no useful function to perform.

Now, Mr. Chairman, in reply to the gentleman from Indiana I will say that it is not necessary to have a commission—which we all believed was a voluntary commission but now find is costing at the rate of \$250,000 a year—tell us what is going on in the way of prohibition. That is very well known.

Mr. WOOD. Will the gentleman yield?

Mr. LA GUARDIA. Certainly.

Mr. WOOD. I suspect the gentleman will remember the controversy which was had over this proposition in the last Congress?

Mr. LA GUARDIA. Yes.

Mr. WOOD. There was a difference of opinion as to how this investigation should be made, and it was the Congress of the United States that created this commission?

Mr. LA GUARDIA. Exactly.

Mr. WOOD. I want to call the attention of the gentleman to the appropriation bill which made possible the creation of this commission. It provided:

For the purposes of a thorough inquiry into the problem of the enforcement of prohibition under the provisions of the eighteenth amendment of the Constitution and laws enacted in pursuance thereof, together with the enforcement of other laws, \$250,000, or as much thereof as may be required, to be expended under authority and by direction of the President of the United States, who shall report the result of such investigation to the Congress together with his recommendations with respect thereto. Said sum to be available for the fiscal years of 1929 and 1930 for each and every object of expenditure connected with such purposes notwithstanding the provisions of any other act, \$250,000.

This commission was created by the Congress and it occurs to me the Congress should not stop the job which it put in motion, especially when it is only half through.

Mr. LA GUARDIA. Mr. Chairman, permit me to recall to the distinguished chairman that when Mr. George Wickersham appeared before the committee he was admonished, warned, and lectured as to the limitations of his powers and the powers of the commission by the very forceful gentleman from Michigan [Mr. CRAMTON]. You will find that on pages 832, 833, and 834 of the hearings. The distinguished legislator from Michigan pointed out to Mr. Wickersham the limitations of the commission's powers and that brought forth the reply from Mr. Wickersham which I have just read to the committee.

Mr. Chairman, this is so glaringly and brazenly out of order that I must insist on my point of order.

Mr. LINTHICUM. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. LINTHICUM. How much money has the commission already expended? Does the gentleman know?

Mr. WOOD. Out of the appropriation of \$250,000 there is an unexpended balance of \$80,000.

Mr. LINTHICUM. They have made no report as to what this amount was expended for?

Mr. WOOD. Yes; they have made a very detailed report and given an outline of how they expect to use the \$250,000 which is asked for in this bill.

Mr. LINTHICUM. It looks to me as though a half million dollars is a good deal of money for what we have gotten.

The CHAIRMAN (Mr. CHINDBLOM). The Chair is ready to rule. The chairman of the committee, the gentleman from Indiana [Mr. WOOD], has conceded the point of order, but in the opinion of the present occupant of the chair it is incumbent upon every Chairman to act upon an opinion of his own. The Chair is of the opinion that the point of order is well taken. The gentleman from New York [Mr. LA GUARDIA] read the statute with reference to the payment of money to commissions appointed without legal authority. The Chair does not find any pertinency in that discussion, because clearly under the legislation which was contained in the deficiency appropriation act of March 4, 1929, authority was given for the expenditure of \$250,000, but that expenditure was limited to the fiscal years 1929 and 1930. Therefore the authorization which was contained in the appropriation act of March 4, 1929, is no longer in force, and the Chair sustains the point of order.

Mr. CRAMTON. Will the gentleman from New York yield?

Mr. LA GUARDIA. Certainly.

Mr. CRAMTON. Would the gentleman from New York make a point of order against an amendment which would reappropriate the unexpended balance?

Mr. LA GUARDIA. Yes.

Mr. CRAMTON. The gentleman would make a point of order against that?

Mr. LA GUARDIA. Eighty thousand dollars?

Mr. CRAMTON. Yes; the unexpended balance.

Mr. LA GUARDIA. Yes; I think I would. I know what you are going to do.

Mr. CRAMTON. I will be entirely frank with the gentleman. Since they have this money and it is so near the 1st of July, and having this unexpended balance, it seems to me they certainly ought to be permitted to complete the work so far as the appropriation heretofore made by Congress will permit. If the gentleman would permit an amendment that would apply only to the reappropriation of the unexpended balance, I would be prepared to offer that amendment, but it is useless to do that if the gentleman intends to make a point of order against it.

Mr. LA GUARDIA. I would be constrained to make a point of order against such an amendment. Being in favor of law enforcement, I would have to carry that right out.

Mr. CRAMTON. I am not so much concerned about the gentleman's reasons, because they do not always track right, as I am about his declaration of purpose.

The Clerk read as follows:

Contingent expenses: For an additional amount for contingent expenses, including the same objects specified under this head in the independent offices appropriation act for the fiscal year 1930, fiscal years 1930 and 1931, \$5,000.

Mr. WOOD. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. Wood: On page 7, after line 7, insert the following:

#### "FEDERAL BOARD FOR VOCATIONAL EDUCATION"

"Cooperative vocational rehabilitation of persons disabled in industry.—Rehabilitation: For carrying out the provisions of the act entitled 'An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment,' approved June 2, 1920 (U. S. C., title 29, sec. 35), as amended by the act of June 5, 1924 (U. S. C., title 29, sec. 31), and the act of June 9, 1930, fiscal year 1931, \$900,000: *Provided*, That the apportionment to the States shall be computed on the basis of not to exceed \$1,097,000, as authorized by the act approved June 2, 1920, as amended by the acts approved June 5, 1924, and June 9, 1930: *Provided further*, That such portions of the sums allotted for the fiscal year 1931 as may not be used in that fiscal year may be allotted in that year proportionately to the States which are prepared through available State funds to use the additional Federal funds.

"Salaries and expenses: For making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said board incident to performing the duties imposed by the act of June 2, 1920 (U. S. C., title 29, sec. 35), as amended by the act of June 5, 1924 (U. S. C., title 29, sec. 31), and the act of June 9, 1930, including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere,



as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees, under its orders; including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, newspapers not to exceed \$50, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding, and all other necessary expenses, fiscal year 1931, \$80,000, of which not to exceed \$59,000 may be expended for personal services in the District of Columbia."

Mr. STAFFORD. Mr. Speaker, I reserve a point of order on the amendment, and pending the withdrawal of the point of order I would like to inquire of the chairman of the committee whether these amounts are merely for the purpose of carrying out existing law?

Mr. WOOD. They are for the purpose of carrying out the law that was recently passed by the Congress. This is just putting new life into the old vocational rehabilitation act.

Mr. STAFFORD. Virtually, you are offering the former authorization of the former board that was in operation under the old law.

Mr. WOOD. Yes; the old authorization expired with this fiscal year and this is simply to continue the authorization.

Mr. DOWELL. If the gentleman will permit, does this take care of all the authorizations made at this session of Congress?

Mr. WOOD. As I understand, this simply continues the rehabilitation of the disabled with the same authority they had before.

Mr. DOWELL. But there was a certain amount authorized by the Congress at this time for the continuation of the board and for the work of the board.

Mr. WOOD. Yes.

Mr. DOWELL. Does this appropriation take care of all of that authorization?

Mr. WOOD. Yes.

Mr. KVALE. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. KVALE. This amendment also includes a provision making available unexpended balances to the States that are prepared to use them in general conformity with the Couzens amendment?

Mr. WOOD. Yes.

Mr. DOWELL. Of the old law?

Mr. KVALE. Of the new law as passed by the House and amended in the Senate.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of a point of order.

The amendment was agreed to.

The Clerk read as follows:

#### GEORGE WASHINGTON BICENTENNIAL COMMISSION

For carrying out the provisions of the public resolution entitled "Joint resolution authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birthday of George Washington," approved December 2, 1924 (43 Stat., p. 671), and all other activities authorized by the act entitled "An act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans," approved February 21, 1930 (46 Stat. 71), including personal services without reference to the classification act of 1923, as amended, and civil-service regulations, traveling expenses, furniture and equipment, supplies, printing and binding, rent of buildings in the District of Columbia, and all other expenditures authorized by the above acts, fiscal year 1931, \$362,075, to be available until expended, together with all balances remaining unexpended from appropriations previously made for use of this commission, for each and every object of expenditure connected with the celebration notwithstanding the provisions of any other act relating to the expenditure of public moneys, upon vouchers approved by the chairman of the executive committee, or such person as may be designated by him to approve vouchers: *Provided*, That nothing contained in this paragraph shall be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit.

Mr. LaGUARDIA. Mr. Chairman, I offer an amendment on page 8, line 14, strike out "\$362,075" and insert in lieu thereof "\$250,000."

The CHAIRMAN (Mr. LEAVITT). The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LaGUARDIA: Page 8, line 14, after the figures "1931," strike out "\$362,075" and insert in lieu thereof "\$250,000."

Mr. LaGUARDIA. Mr. Chairman, I want to call the attention of the committee to the paragraph now before the com-

mittee calling for an appropriation of \$362,075 for the activity of the Bicentennial Commission.

I do not seek to strike out the entire amount. My amendment would give them \$250,000 for their preparatory work. I am sure the House is not informed of how this money is to be spent. Let me give you some of the items.

They start off with \$5,800 to pay for a secretary; \$3,600 for an assistant administrator; six clerks, \$20,400; a publicity director at \$6,000; a special writer at \$5,000; a magazine writer at \$5,000; an editor at \$6,000; two copyists at \$3,000; a historian at \$5,000; an assistant historian, \$2,000.

Then for supplies and stationery, \$10,000; for supplies, \$5,000; for printing and binding, \$97,200; for photostats, \$3,000; \$10,000 for publication of readings about George Washington; \$4,000 for direction of pageants; \$12,000 for atlas; \$50,000 for George Washington's definitive writings; \$7,000 for maps; \$10,000 for more printing; \$1,200 for photostats; an additional \$10,000 for an addition to the George Washington definitive writings; \$7,000 for photos in color; \$14,875 for rent in the District of Columbia; \$6,000 for furniture; \$25,000 for a scenario for a moving picture; \$15,000 for the woman's committee; \$10,000 for newspaper clippings; \$20,000 for the direction of pageants; \$5,000 for badges and buttons; and \$70,000 for a George Washington picture, a total of \$364,875.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. JOHNSON of Washington. Did the gentleman say \$10,000 for atlas?

Mr. LaGUARDIA. Yes.

Mr. JOHNSON of Washington. Does he mean Atlas with the world on his shoulders?

Mr. LaGUARDIA. No; we are carrying the burden.

Mr. JOHNSON of Washington. The people carry the burden and not Atlas.

Mr. LaGUARDIA. Yes.

This celebration is to take place in 1932 and, of course, there is a great deal of necessary preparatory work to be done. I will grant that.

But I believe the commissioners are anticipating a little too early for clippings, and I think a little too early for buttons. Why, who ever heard of such a staff of publicity and propaganda promotion?

Six thousand dollars for a publicity manager, and \$5,000 for a special writer, \$5,000 for a magazine writer, \$6,000 for an editor, \$5,000 for a historian, \$2,000 for an assistant historian! Are we to write a history of George Washington to-day? The history of George Washington has been written, gentlemen. Every little schoolboy, every grammar and high-school student, has studied the history of Washington.

Here is an appropriation of \$70,000 for pictures of George Washington to be distributed to the schools. I am sure that your schools are just as they are in New York City, and you will find a picture of George Washington in every school in Greater New York.

The testimony shows that they are to be 12 colored pictures, for which we are asked to appropriate \$70,000, and I repeat that there is not a school in my city and my State—which are no different from the schools in any other city and State—but that you will find a picture of the Father of his Country in every classroom.

I submit that if we are to have a celebration, if we are to have a dignified celebration, a celebration with solemnity to commemorate the two hundredth anniversary of the birth of Washington, it is not at all necessary to have this enormous pay roll two years before the time of the celebration, and building up this vast machine, and a ballyhoo advertising campaign, paying \$14,000 for rent, \$5,000 for furniture—for a temporary commission of volunteers. I submit my amendment in all earnestness, and that if we allow the commission \$250,000 it is enough.

Mr. DENISON. Does that cover the tire cases?

Mr. LaGUARDIA. No; the gentleman from New York said that that was being distributed by a private concern. That is not in here.

Mr. SNELL. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. SNELL. Does the gentleman from New York suppose that when we passed the original authorization for the bicentennial celebration that if it had been explained to the House that we were going into any such elaborate performance and expending so much money the resolution would have been agreed to?

Mr. LaGUARDIA. It has never been done before, and I do not think so.



Mr. SNELL. Was it not definitely stated when they asked for the four and a half million dollars to build the road that they were going to make a permanent improvement and that that would be practically the entire expense?

Mr. LAGUARDIA. I understood the proponents to say that this was to be a gigantic, but solemn and dignified celebration, and there was nothing to indicate the advertising stunts that they are going into at this time.

Mr. SNELL. Here we have an annual pay roll of \$65,000 for salaries two years before the celebration. How much will it be later?

Mr. LAGUARDIA. I think my amendment of \$250,000 is too much. I wish some one would offer an amendment making it \$200,000.

Mr. TILSON. This was all covered at the time the original resolution passed the House. The language of this appropriation supplies the items that are there included in more general language.

Mr. SNELL. When was the estimate made for an annual pay roll of \$65,000 in salaries?

Mr. TILSON. It was not mentioned in detail, but Members will find that the amount of \$352,000 is within the sum authorized in the resolution that was passed some time ago.

Mr. SNELL. I think perhaps the resolution was broad enough to cover it.

Mr. TILSON. Surely it was.

Mr. SNELL. I do not think the House realized that we were going to spend any such amount of money as that.

Mr. LAGUARDIA. It is only for the fiscal year.

Mr. TILSON. It is made available until expended.

Mr. LAGUARDIA. But you can not appropriate for two years ahead.

Mr. TILSON. Yes; we have appropriated many times for two years ahead, and often, as in this case, have made it available until expended.

Mr. STAFFORD. Mr. Chairman, will the gentleman from Connecticut yield?

Mr. TILSON. Yes.

Mr. STAFFORD. The gentleman will agree that the salaries as stated by the gentleman from New York [Mr. LAGUARDIA] which are included in this total amount, are annual salaries.

Mr. SNELL. That is the statement by the director.

Mr. STAFFORD. This \$364,000 is not the total amount to be expended by this commission for this celebration, but just a part of the expenditures.

Mr. GARNER. It is the ante, and nobody knows what the limit is.

Mr. STAFFORD. That is the trouble with the appropriation. There is no telling what it will amount to. The sky is the limit.

Mr. TILSON. My statement was that the sum carried in this bill is still within the amount estimated and passed on in the authorizing resolution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. BLOOM. Mr. Chairman, I rise in opposition to the amendment. I am grateful for the opportunity to present some of the facts with reference to what my colleague from New York [Mr. LAGUARDIA] says. In the first place, this is a nation-wide celebration. When the gentleman from New York says that there is a picture of George Washington in every schoolroom in New York City and throughout the United States, I have the records to prove that he is mistaken. When we asked for \$70,000 for the placing of these pictures of George Washington in the schoolrooms we did so after ascertaining that there are nearly 1,000,000 schoolrooms in the United States. I can tell you what it will cost to have a picture placed in each and every one of these schoolrooms in the United States. We sent out inquiries to every State in the Union, and I will give you some of the replies. In Alabama there are 15,401 schoolrooms and 6,030 schools. A picture can be placed in each schoolroom there at a cost to the commission of \$1.078. Certainly no one would object to spending \$1,078 to put a picture of George Washington into 15,000 schoolrooms in Alabama. The picture is to be selected by a special commission. The gentleman from New York [Mr. LAGUARDIA] spoke about a picture printed in 12 colors. That was selected by the commission long before I had the honor of being appointed with Col. U. S. Grant, 3d, an associate director. If we are going to do this, let us do it right. It costs only 7 cents for each and every picture which will go into the schoolrooms.

In the State of Connecticut it will cost \$639. In the State of Delaware it will cost \$112, and in the State of Illinois where they have over 46,000 schoolrooms, it will cost \$3,223.

Mr. WOOD. Mr. Chairman, will be the gentleman yield?

Mr. BLOOM. Yes.

Mr. WOOD. I think what the membership of the House would like to be informed about is what the gentleman anticipates the total cost will be, whether or not this is the beginning of what is going to be an enormous cost. Give us some information with reference to that.

Mr. BLOOM. I shall be glad to do that. Most of the things the gentleman from New York is complaining about are already authorized, and out of that sum at least \$150,000 is coming back, because that is for the definitive writings of George Washington. The records show that only 50 per cent of the writings of George Washington have ever been printed up to the present time. There will be 3,000 sets printed as authorized by the act. Two thousand sets are to be sold and will be sold for the cost of the 3,000 sets. One thousand sets of 25 volumes each are to be delivered, one set to each member of the House and Senate, and 25 sets to the Library of Congress. So we are going to get back \$150,000 of this, but we have to appropriate this money to print these volumes.

As far as the help is concerned, we have been operating now for four months. It is practically the same staff that we have now. We are having articles written so as to be printed throughout the country in the newspapers and magazines, which articles will be historically correct, and will prove just what the complete writings of Washington really mean. The help that we have at the present time is necessary. The bulk of the work must be done between now and next year.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLOOM. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLOOM. Most of the work that we must do, must be done this year. We can not wait until the end of 1931 and expect this nation-wide celebration to be a complete celebration for 1932. The moving picture the gentleman is talking about costing us \$25,000, would cost \$500,000 to get the picture produced if we were to pay for it. You are not paying a cent for it. The picture is proposed to be made by the Eastman Teaching Films Co. You could not produce it for \$500,000.

The commission should furnish to them a scenario from which to make the picture for the schools that is historically correct, and I think it is up to the commission and up to the Government to furnish to them a scenario that is written by historians of the highest rank. That is why the \$25,000 is asked for.

As far as rent is concerned, it is on the basis of \$1.75 a square foot, and up to the present time we have not spent a dollar for rent.

Mr. LAGUARDIA. There is an item of \$14,875 for next year.

Mr. BLOOM. That is for next year. Here is the statement for this year: Traveling expenses, \$41; printing and binding up to the present time, not 1 cent; publicity, \$20. That is after four months.

Mr. LAGUARDIA. But the gentleman has \$60,000 worth here. We are not concerned with last year. We are concerned with this appropriation.

Mr. BLOOM. Very well. From the beginning of September we must prepare ourselves for this celebration, and we can not prepare for this celebration if we wait until 1932.

You do not want to handicap us. We are trying to give you a celebration that this country will be proud of and it is something that is needed at this time. I ask permission to extend in the RECORD a statement showing the great need at this time for printing the definitive writings of George Washington. Fifty per cent of them have never been printed. That is why we are asking for the \$150,000.

The need for a complete edition of the writings of George Washington is greater to-day than ever before not only from the standpoint of biography but from that of American history. The formative period of the United States is so meshed in with the life of Washington that it is impossible to understand it clearly without proper knowledge of the man himself. Fifty years after Washington's death the president of Harvard College published a 12-volume edition of Washington's letters; 60 years after this publication Worthington C. Ford published a 14-volume edition of Washington's letters. Both of these publications—Sparks in the 1830's, Ford at the end of the 1880's—did not use more than half of what Washington wrote. With the exception of three or four lives of Washington, practically every published life of him has been based upon these partial publications of his letters. It is not, therefore, a matter of surprise that one of the most eminent American historians of the present day—John Bach McMaster—should state that George Washington is to-day the unknown man. Worse than this, the lack of a complete publication of Washington's letters is largely responsible for the many present-day attacks upon his character. For



where all the facts are not known, it is comparatively easy to misunderstand and to misconstrue.

A thing that is generally felt by the people of the United States, but which is difficult to put into words, is that George Washington in some important manner typifies America. Attacks upon Washington are felt to be attacks upon America and it is only natural that the average man wants to have at his disposal the means of repelling all such attacks. Until the Government of the United States publishes the projected definitive edition of Washington's letters this means is denied. Both Ford and Sparks were hampered by limitation of private publishing, for no publisher with his eye upon profits would dare undertake more than a 12 or 14 volume publication. It is plainly the duty of the Government, which will not be hampered by commercial restrictions, to fulfill this patriotic historical need.

With the complete writings of Washington, easily available in print and distributed throughout the country, the schools, colleges, and universities will be able to teach the younger generation the solid truth regarding the first American and no longer be at a loss to effectively defeat the careless ignorance of youth and the cynicism of age.

It is not only unfair to Washington himself, but it is unfair to healthy Americanism to delay longer in publishing the complete record of George Washington. He is, in a political and social sense, the patron saint of America, and while it does not seem necessary from one standpoint to emphasize such a well-known character as Washington, especially to America, from the larger and more important standpoint of American patriotism, we can not know too much about George Washington.

The idea and purpose behind this publication of the Bicentennial Commission is to clear up for all time every possibility of further innuendo and calumny directed against the memory of Washington; to make clear the reasons and principles which governed the actions of the man who more than anyone else contributed in the formation of the United States as a nation.

Despite the hundreds of books that have been published by historians in their effort to tell the story of the United States, until all of Washington's writings have been made available to the average man he can not picture to himself the real truth and the complete story of the creation of the United States.

The Bicentennial Commission realizes this situation and is well aware of the fact that the only way to insure that the American people can possess for all time the George Washington they know and love is to place upon the shelves of libraries and schools the story of the man's life work as he wrote it himself in the letters that form his daily work.

Had these selections of Washington's letters not been published by Ford and Sparks, we should have had only two or three lives of Washington instead of the scores of biographies and special studies now available.

The pity of it is that all these lives, which have been read with avidity by the American public, have been unsatisfactory because of the lack of complete information.

Interest in Washington is universal and undying. Lives of him and special phases of his life will continue to be published and read, and the Government can perform no greater public duty to the people at large than to make easily available all the real information existent about George Washington.

There is more interest in George Washington than in any other American, and this interest is alive and vital year in and year out, has been thus for years, and will be thus as long as there is any Americanism. The Bicentennial Commission understands this and knows that it will be satisfying the American people in giving them the opportunity to encourage this interest by publishing the complete story of George Washington. There are hundreds of thousands who are so really interested that they will read and judge for themselves; and for the other thousands who are too busy or too lazy to do this for themselves this publication by the Government insures that the authors and historians who write about Washington from now on will be able to present the full truth, a thing that has not been possible up to now.

This publication of Washington's writings really will be the Government's guaranty of the truth about George Washington.

Every Member of this House has received a letter from the commission asking that he send it the names and addresses of the mayors and selectmen of the different cities and towns in his district.

The reason we are doing that is because we are going to bring the celebration to all the people. This is not a celebration alone for the District of Columbia but for every city and town in the United States. That is one of the reasons why we are asking for the money for pageants.

Mr. TILSON. May I ask what has been done in New York State?

Mr. BLOOM. This [indicating] book is published by New York State and outlines what they intend doing. I think New York State has paid as much money for the reception of Admiral Byrd yesterday as we are asking here for the celebration of the Bicentennial of George Washington. New York State alone spent \$200,000 to celebrate the one hundredth anniversary of the inauguration of George Washington. We do not want this commission to be handicapped if the celebration that we are talking about is to be a success.

Mr. LAGUARDIA. The gentleman said they are asking \$50,000. He is asking for only \$50,000, which, together with the \$10,000, makes an appropriation of \$60,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. LAGUARDIA. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 6, noes 61.

So the amendment was rejected.

Mr. WOOD. Mr. Chairman, I offer an amendment.

Mr. LAGUARDIA. I ask unanimous consent, Mr. Chairman, that this amendment may be considered as an amendment to the paragraph that we are now on.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the amendment of the gentleman from Indiana [Mr. Wood] may be considered without prejudice to his right to offer an amendment to the pending paragraph. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Committee amendment: On page 8, after line 25, insert:

#### "NATIONAL CAPITAL PARK AND PLANNING COMMISSION"

"For each and every purpose requisite for and incident to the work of the National Capital Park and Planning Commission necessary toward carrying into effect the provisions of the act entitled 'An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital,' approved May 29, 1930; personal services in the District of Columbia and elsewhere, including technical real-estate services at rates of pay to be fixed by the commission and not exceeding those usual for similar services and without reference to civil-service rules and the classification act of 1923, as amended; travel expenses; purchase of two passenger-carrying automobiles at not to exceed \$1,000 each and the operation and maintenance thereof; survey, searching of titles, and all other costs incident to the acquisition of land, reimbursements to be made as prescribed in such act, \$1,000,000, to remain available until expended: *Provided*, That the reimbursement to be made to the United States by the District of Columbia for advances under section 4 of such act of May 29, 1930, shall commence on June 30, 1932, instead of on June 30, 1931, as provided in such section."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, on page 8, line 25, strike out the period, insert a colon and the following proviso:

*Provided*, That no part of the money herein appropriated shall be paid as salaries or otherwise to any person receiving a salary from the United States Government.

Mr. BLOOM. That is all in there.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 8, line 25, strike out the period and insert a colon and the following: "*Provided*, That no part of the money herein appropriated shall be paid as salaries or otherwise to any person receiving a salary from the United States Government."

Mr. LAGUARDIA. Mr. Chairman, the House has just voted \$364,875 in the belief that they are doing something to promote the celebration of the bicentennial of George Washington, when it is nothing else but a salary grab of \$6,000 and \$5,000, and \$6,000 and \$5,000 for publicity directors, for special writers, for magazine writers, for editors, all in the name of George Washington. You would think you were inaugurating a campaign to sell soap. What is the need of all this publicity, all this pay roll here? The gentleman says that the Library of Congress has already edited and has ready the works of George



Washington; and yet we have an editor at \$5,000 and an assistant editor at \$4,000.

Mr. BLOOM. The historian, Dr. Albert Bushnell Hart, and Dr. John C. Fitzpatrick are now editing all the writings of George Washington.

Mr. LA GUARDIA. At this time when people are in distress, people who need the aid of Congress, the gentleman comes here and asks to provide for clerks \$20,400; \$6,000 for a publicity manager; \$5,000 for a special writer; \$5,000 for a magazine writer; \$6,000 for an editor; \$3,000 for a copyist; \$5,000 for a historian; \$1,000 for clippings. Why do we need clippings? All in the name of George Washington, and you gentlemen have voted for it, and yet we can not get a bill before the House to employ men to take care of employment agencies! Just because some one shouts "George Washington" appropriations are blindly voted. You talk about doing Federal work. You are going to provide pictures for local classrooms. I will say that the schools in my city have a picture of George Washington and are not waiting for this commission to provide a picture.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LA GUARDIA. I yield.

Mr. JOHNSON of Washington. Does the gentleman know anything about the method by which the historian is paid \$6,000 or \$8,000 and the editor \$5,000? What is the system by which some of these people are paid \$6,000 and some \$8,000?

Mr. BLOOM. Dr. Bushnell Hart is the historian; Doctor Fitzpatrick is the editor of the definitive writings, and he has an assistant. Those are the men the gentleman from New York [Mr. LA GUARDIA] is talking about. If you want a list of the employees, I have them here.

Mr. LA GUARDIA. Who is the publicity manager?

Mr. BLOOM. E. P. Allen.

Mr. LA GUARDIA. What is his job?

Mr. BLOOM. He is a publicity man and writer.

Mr. LA GUARDIA. What is he going to do? He gets \$6,000.

Mr. BLOOM. I will answer the gentleman. It is his duty to look up stories on George Washington and the things of George Washington's time, and to see that those are sent to the magazines and newspapers throughout the country and published. They must be historically correct when they come from this commission.

Mr. LA GUARDIA. That is your publicity man?

Mr. BLOOM. They are all writers.

Mr. LA GUARDIA. Very well. Let us take one at a time. What is your historian going to do? I thought that was his job.

Mr. BLOOM. The historian, I have just told the gentleman from New York, is the man to get out the definitive writings, "Honor to George Washington," and everything that is provided for in this act. That was all provided for before Colonel Grant and I were appointed associate directors.

Mr. LA GUARDIA. Then what is the special writer going to do at \$5,000?

Mr. JOHNSON of Washington. They are doing it now. They have been since March 1.

Mr. BLOOM. The special writers are writing special stories.

Mr. LA GUARDIA. About whom?

Mr. BLOOM. About George Washington and the people of George Washington's time.

Mr. LA GUARDIA. I thought the publicity man was doing that.

Mr. BLOOM. You can not expect one man to do it all.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LA GUARDIA. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. LA GUARDIA. How about your magazine writer? What is he going to do at \$5,000 a year?

Mr. BLOOM. All of those writers are writing special stories and articles for the newspapers. I hope the gentleman from New York gets that clear.

Mr. LA GUARDIA. No; I do not. I do not get it clear at all.

Mr. BLOOM. I do not know how to say it. The gentleman can understand the English language?

Mr. LA GUARDIA. It is the gentleman's pay roll and not mine.

Mr. BLOOM. They are writing special articles for magazines, newspapers, and periodicals throughout the country, in the 48 States. Do not think they are doing it alone for the District of Columbia.

Mr. LA GUARDIA. In addition to that, you have an editor of works at \$6,000 and a historian at \$5,000.

Mr. BLOOM. I just told the gentleman that was the historian. That is the editor of the definitive writings and other things that are in the act.

Mr. LA GUARDIA. But this is another one.

Mr. BLOOM. No; it is not.

Mr. LA GUARDIA. Certainly. You have an editor of works of Washington, \$6,000. Then you have a historian at \$5,000 and an assistant historian at \$2,000.

Mr. BLOOM. The historian was appointed when the commission was appointed. I had nothing to do with it.

Mr. LA GUARDIA. We want to know what they are going to do for the money that is appropriated here. That is what we want to know. Let me ask the gentleman a question. The gentleman said it would not cost a cent for the moving picture. How is the gentleman to explain the \$25,000 appropriated here?

Mr. BLOOM. Why, I told the gentleman from New York that this is for a scenario. We have to prepare and give to the moving-picture producer the scenario and everything to work with.

Mr. LA GUARDIA. That is writing again. That is the scenario?

Mr. BLOOM. Yes; it is.

Mr. LA GUARDIA. Who is going to get the \$25,000?

Mr. BLOOM. Whoever writes it. Does the gentleman want to write it?

Mr. LA GUARDIA. No I do not. I am trying to strike it out. I do not believe George Washington needs an advertising campaign.

Mr. BLOOM. If you strike it out some one is going to be very much disappointed and you will lose the brightest opportunity in the world to record for all time everything pertaining to the history of our country and George Washington.

Mr. LA GUARDIA. I am pretty sure that the United States of America and the 120,000,000 people are not waiting for any high-pressure publicity campaign to tell them about George Washington.

Mr. BLOOM. Well, if you will allow me to insert in the RECORD a speech that I asked permission to insert I think it will convince the gentleman and people like himself who think they know something about George Washington that they do not know anything about George Washington.

Mr. LA GUARDIA. Will the gentleman say what he is going to do with the \$25,000 for a scenario? How does the gentleman break that up?

Mr. BLOOM. How can I do that?

Mr. LA GUARDIA. The gentleman is asking for the appropriation. I do not know.

Mr. BLOOM. Suppose it only cost \$20,000. It is impossible to break it up. If we do not spend \$25,000, we may spend \$20,000.

Mr. LA GUARDIA. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. LA GUARDIA]?

There was no objection.

Mr. MOORE of Virginia. Mr. Chairman, I rise in opposition to the pro forma amendment. I ask unanimous consent to extend my remarks on the matter under consideration simply for the purpose of some little discussion of a very fine project commemorative of Washington which is being carried on in Virginia, without any expense to the Government, by a patriotic society.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks upon the subject of a project commemorative of George Washington in the State of Virginia. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Chairman, the home life of George Washington, born in 1732, was confined to Wakefield, his birthplace; the Ferry farm, where he spent most of the time of his early youth and school days from 1739 to 1747, and Mount Vernon, where he lived from his 16th year until his death.

The Ferry Farm, which the family occupied until Washington's father, Augustine Washington, died there in 1743, and where his mother continued to live until 1772, is picturesquely located on the Stafford Heights on the north shore of the Rappahannock River opposite the city of Fredericksburg, and is now being restored. The restoration work, in charge of a patriotic association, the George Washington Foundation (Inc.), which depends upon private contributions, is being steadily carried forward and has every prospect of being successfully completed.

This fine effort has the approval of the Legislature of Virginia, expressed in a resolution which commends it to the public



"as being worthy of its liberal patronage," and which among other things states that—

The George Washington Foundation (Inc.) is endeavoring to restore the place, as near as possible, to its condition existing during Washington's boyhood days so that the youth of this land may understand the conditions under which he was reared in order that they may be taught that he was a natural rather than a deified being; and that it is not impossible for every child to emulate his wonderful example for probity and firmness of conviction.

It also has the approval of the United States George Washington Bicentenary Commission, which, through its executive committee, has adopted the following resolution:

*Resolved*, That the executive committee of the bicentenary commission indorses the patriotic effort of the George Washington Foundation (Inc.) through private contributions to purchase and restore the boyhood home of George Washington on the Ferry Farm north of the Rappahannock River opposite the city of Fredericksburg, the purpose being to dedicate the property as a shrine for the boys and girls of America, in order to impress upon the younger generation the lessons that are taught by the life of General Washington, and expresses the hope that the plan may be successfully carried out in advance of the bicentenary year.

The property, which Augustine Washington purchased from the executors of William Strother, is thus described in the advertisement of sale published by the executors in the Virginia Gazette, of Williamsburg, in April, 1738:

One tract containing 100 acres, lying about 2 miles below the falls of the Rappahannock, close on the riverside, with a handsome dwelling house, three storehouses, several other convenient outhouses, and a ferry belonging to it, being the place where Mr. Strother lived. It is a very beautiful situation and very commodious for trade.

Washington, on reaching manhood, made a large addition to the original acreage.

On his first appearance in Fredericksburg, after resigning his commission as Commander in Chief of the Continental Army, General Washington referred to the Ferry Farm as—

The place of my growing infancy and the honorable mention which is made of my revered mother, by whose maternal hand, early deprived of a father, I was led to manhood.

That is one of his many references to the farm which was the only land left him by his father.

While living at the farm he attended school in Falmouth, a near-by village, and in Fredericksburg, across the river. To it attach the famous story of the cherry tree, for which Parson Weems is responsible, and many traditions pertaining to his unusual youthful vigor and activity.

Dr. Albert Bushnell Hart, of Harvard University, Dr. H. J. Eckenrode, of the University of Richmond, and other historians, by their investigations, have removed all doubt, if any ever really existed, as to Washington's identification with the Ferry Farm.

Recent biographers of Washington have a good deal to say about the Ferry Farm. One of them, Dr. Charles Moore, says:

The earliest home that Washington knew was Ferry Farm; and all a precocious boy could acquire up to the age of 11 years he here acquired, in company with his sister and brothers and a large troop of cousins. There is no place like a small town in which to gain a knowledge of good and evil, together with some proficiency in practice, and George was not unlike other boys. He even bore teasing for romping with the big girls at school.

Another biographer, Joseph D. Sawyer, says:

The old farm buildings have disappeared with one noteworthy exception. This is the little 1-story structure which the youthful Washington used as a workroom—the only structure now in existence which is positively known to have been in constant use by him during his boyhood. The new farm buildings nestling among the trees on the highland occupy practically the same site as those of George Washington's day.

Again, he says:

On these heights are the breastworks where—on the Washington farm land—the Federals planted some of their artillery and on December 13, 1862, shelled the town of Fredericksburg. One hundred and eighty cannon in all, some carrying 70-pound projectiles, were strung along those heights. Here the northern troops made their stand, and, obeying orders, crossed the river on pontoons to attack the Confederate stronghold on Maryes Heights, meeting defeat with unprecedented slaughter.

Mount Vernon, under the control of the Mount Vernon Ladies' Association of the Union, is in a splendid state of preservation, and is every year visited by hundreds of thousands of people. As the bicentennial year approaches, the house at Wakefield is to be rebuilt, its surroundings beautified, and ample protection provided for the graveyard where many of the Washington family are buried. And now, by the execution of the plans of

the George Washington Foundation (Inc.), there is to be constructed on the Ferry Farm a duplicate of the house which stood there in the old days, exact pictures of which are available, and much else done which will serve to create a shrine of as great interest as the other two at Mount Vernon and Wakefield, which are not far distant from it.

The pro forma amendment was withdrawn.

The Clerk read as follows:

#### PORTO RICAN RELIEF

For the employment of labor and the purchase of supplies, materials, and equipment for repairing and constructing insular roads, \$1,000,000, to remain available until expended and to be disbursed by the Porto Rican Hurricane Relief Commission with the approval of the Governor of Porto Rico.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the figures in line 22 and make them read "\$1,200,000."

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 9, line 22, strike out the figures "\$1,000,000" and insert in lieu thereof the figures "\$1,200,000."

Mr. JOHNSON of Washington. Mr. Chairman and members of the committee, on one of the committees which I have the honor to serve in this House we have heard the sad story of the sufferings of the people of Porto Rico. We have heard the story in detail from the lips of Colonel Roosevelt, governor of that insular possession, where all of the people—1,600,000—are citizens of the United States, except, perhaps 40 or 50 families who continue to hold allegiance to the Government of Spain.

The distress in Porto Rico among those citizens of ours is almost beyond words to express; not individual cases of distress but distress by the thousands of families; undernourished mothers, hundreds of them, unable to supply milk for their babies, trying to feed those infants by chewing rice and with that rice spittle trying to keep life in the bodies of little 4-months-old babies. We have heard that more than 600,000 people of Porto Rico are woefully undernourished. They work when they can, but there is so little work at so little pay—pennies not dollars.

The people of Porto Rico are citizens of the United States. It is an organized insular possession. They are a proud people. They do not want to feel dependent. I am afraid our great Federal Government has not extended its blessings into Porto Rico as far as it should.

The appropriations heretofore made for hurricane relief have been very helpful. I am very much pleased to see this appropriation for \$1,000,000. I have offered an amendment to add the modest sum of \$200,000, and even that is not enough.

Mr. BEEDY. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BEEDY. I would like to get the gentleman's viewpoint as to why he wants to add this \$200,000 to the \$1,000,000. For what express need is this \$200,000 required that is not already met by the \$1,000,000?

Mr. JOHNSON of Washington. If we are going to quarrel about it, I shall not press it, but I offered the amendment in the hope that the meager sum of \$200,000 would give some employment to a country with a population of 1,600,000, where more than 600,000 people are on the edge of starvation.

Mr. BEEDY. Does the gentleman understand that Governor Roosevelt has been before the committee and expressed himself as entirely satisfied with this sum?

Mr. LA GUARDIA. He asked for \$3,000,000.

Mr. JOHNSON of Washington. As I understand, he asked for \$3,000,000, and he has asked other committees for an extension of certain governmental activities to Porto Rico to assist down there. Bills for that purpose are now on the calendar, but they are so far down they are not likely to be reached. Perhaps the \$200,000 additional proposed by me is not so important, but I wanted to get the picture before the whole membership of this House.

Porto Rico has the second heaviest agricultural population in the world. The only other agricultural place more heavily populated is the island of Java, where there are 35,000,000 agricultural people living not like human beings, hardly living at all. Perhaps they are coming to that in Porto Rico. They are at the limit of possibilities under present conditions.

My friends, there is great distress and unemployment in the United States, far more than we sitting here—we have not been home for a long time—realize. It is not fair to lay it to any political party. In the district which I have the honor to represent there are 1,000 Filipinos out of work, and they are offering



to work for 20 cents an hour. The white people will not let them work, and many of the white people themselves are out of work.

In that same district 10 or 12 days ago, there marched right through these lines of starving Filipinos 1,000 Mexicans, who were being transported into Montana. These Mexicans were migrating from California, for they had become unemployed even in that State, although they claim they need Mexicans. They were marched through Seattle on their way to Montana, for the purpose of working in the sugar-beet fields.

Are we, in Congress, going to pay no attention to conditions like these, with probably 5,000,000 citizens out of work?

Then, again, in these late days of this session of Congress, we are fussing back and forth about the Couzens resolution to regard and investigate the merger of railroads. Some fear the House of Representatives will get awake and find out that this is a plan to slow down those mergers, so that more people will not get out of work.

In the district I represent, at one of the termini of the three transcontinental railroads, men have been working in the roundhouses and railroad shops only 16 days a month. Trains have gone off the line by the dozens. Why? Because the great Mogul engines and great electric engines which haul 175 cars, are doing away with many smaller freight trains. Electric lines and auto busses are taking the place of railroad lines, and more railroad men are being forced out of work. What do they do when they are out of work? They fall back on those engaged in some other line of work, and this crowds somebody else out of work.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. WOOD. Reserving the right to object, Mr. Chairman—

Mr. JOHNSON of Washington. The gentleman should not object. This is a very important subject I am discussing. It is one of the prime subjects in the United States to-day. The gentleman will save time by not objecting, I can assure him.

Mr. WOOD. I want to say to gentlemen here that we have consumed two hours and have only covered six or seven pages of the bill. The bill must be passed to-day.

Mr. JOHNSON of Washington. We have from now until midnight to pass it. We have plenty of time.

Mr. WOOD. Will the gentleman promise to stay here until midnight and help to pass it?

Mr. JOHNSON of Washington. Absolutely. I am here as much as any other man in the House. I love to be here and to help with passing important legislation. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Now, many men other than the railroad men are getting out of work—

Mr. BEEDY. The gentleman has had his time extended. Will the gentleman yield?

Mr. JOHNSON of Washington. Let me first finish one sentence. The railroad man is thrown back onto the next line and he finds people out of work there on account of consolidation of stores, chain stores, and that sort of joint cooperation, so that the unemployed line falls back, until finally they go on the road, or go to the farmer, and the farmer is poor and can not pay much wages, so they all move around, and wherever they turn they meet the invading people from Mexico, from the Philippines, and even from Canada. Why, only a few months ago Canada issued the third of its positive orders against the arrival of American workers into Canada. If you are a mason, a carpenter, a barber, or a workman of any kind, you can not go into Canada for permanent domicile, and here in the United States, with tremendous unemployment, we fail to stop the admission of competitive immigrants. I insert one of the recent Canadian orders:

DEPARTMENT OF IMMIGRATION AND COLONIZATION,  
Ottawa, Ontario Canada.

Circular of Immigration Inspectors, eastern division.

Subject: Labor conditions—Movement of unemployed from the United States.

The attention of the department has been directed to the fact that there is a large amount of unemployment existing at the present time in the United States and to the possibility of a number of these unemployed endeavoring to enter Canada for the purpose of seeking work in localities where there is considerable activity in construction and engineering work.

In this connection care must be taken to see that the regulations are most strictly applied, should it develop that this class of labor is en-

deavoring to move across the international boundary, as it will be appreciated that at the present season of the year there is no demand in Canada for additional labor from the United States.

GUY G. CONGDON,  
Assistant Division Commissioner.

Nevertheless, I think we are plenty big enough to take care of these literally starving people in Porto Rico. But I am really appealing to this House, before it goes home, to find a way to get an opportunity to act on a resolution that will postpone threatened gigantic mergers of railroads or that will meet some of the unemployment and, if possible, meet the immigration conditions in the country. [Applause.]

Mr. O'CONNELL. The gentleman refers to the Couzens resolution?

Mr. JOHNSON of Washington. The Couzens resolution; yes.

Mr. PARKS. Will the gentleman help us in the passage of that resolution?

Mr. JOHNSON of Washington. I am helping you now as hard as I can, and have been opposing these mergers two or three years.

Mr. ALMON. Why does not the gentleman bring in the Harris immigration bill and stop some of the immigration to which he refers?

Mr. JOHNSON of Washington. The gentleman should not ask me such an embarrassing question.

Mr. ALMON. Is that an embarrassing question? Why does not the gentleman bring up the Harris bill for consideration in the House?

Mr. JOHNSON of Washington. The gentleman knows why I can not. The bill is on the calendar, and that is all I can do. I can not bring it up without help.

Mr. ALMON. Who is keeping it from coming up?

Mr. JOHNSON of Washington. You see the leaders and see if you can have it brought up.

Mr. ALMON. They are your leaders, they are not mine.

Mr. SHORT. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SHORT. I am very much impressed with the gentleman's statement, and I wish to say to the gentleman that there are thousands of railroad employees in my district who will not only be thrown out of employment if these mergers take place, but their property will depreciate in value and the communities as a whole will greatly suffer.

Mr. JOHNSON of Washington. I will say in conclusion that this is fundamental to all parties and to all of us as citizens of this country. The duty of a government is to spread its benefits as far as it possibly can to all the people, and when a government permits mergers, consolidations, or any of those things to exist to such a point that too many men have no chance to find employment, the Government is not doing its best for the people. We are reaching that condition now. This is fundamental and is not political.

Mr. O'CONNELL. If the gentleman will permit, there should not be any politics in the matter at all.

Mr. JOHNSON of Washington. Not the slightest.

There has been referred to the committee of which I am chairman a Senate resolution to provide for a committee of Congress to investigate the needs of agriculture for labor. I do not know what we will do about it in our committee, because if we send it out here it will go to the bottom of the calendar, where there are 15 pieces of immigration legislation that are not likely to be reached. I believe it is five or six years since the House Committee on Immigration and Naturalization has had the call on Calendar Wednesday. There is something wrong with that system. Some committees are never called. We postpone Calendar Wednesday at the beginning of a session, the program lags, and then in the last days of the session we hear appeals like the one just made by the distinguished and hard-working chairman of the Appropriations Committee [Mr. Wood] that there is no time; that we must pass the bill under consideration.

I will tell you it will be a shame and a pity to go home to your constituents with so much pressing, important, vital legislation pending and ready for action. [Applause.]

Mr. DAVILA. Mr. Chairman, I arise to express my thanks to the gentleman from Washington [Mr. JOHNSON] for his kind words in behalf of Porto Rico. I may say that I have always found in the gentleman from Washington a real friend of my country. He has always shown a great interest in our welfare and has been very helpful in obtaining legislation for Porto Rico.

I wish also to express my appreciation to the Committee on Appropriations for recommending this appropriation of \$1,000,000 for the present year. I may assure you, gentlemen, that your action is fully appreciated by the people of Porto Rico.



It is true that we have been unable to obtain at this time the \$3,000,000 recommended by the President, but we feel confident that next year we will secure an additional appropriation with the purpose of continuing the work of rehabilitation in Porto Rico.

Mr. LA GUARDIA. Mr. Chairman, I move to strike out the last word. I agree fully with the statement made by the gentleman from Washington and the reasons urged by him to add \$200,000 to this appropriation. Surely \$200,000 is nothing, either to this committee or to the country, at the rate we are spending money for other reasons, and this is a matter of human life.

Conditions in Porto Rico have been presented to the Committee on Appropriations. You will find them in the hearings. Since the hurricane on the island there has been actual distress. Here daily we appropriate millions of dollars on the mere say so of a Member from a State, overlooking the fact entirely that Porto Rico is just as much a part of the United States as any State in the United States. [Applause.] I appeared before the committee and presented facts which I obtained direct from Porto Rico.

Unemployment is very acute in Porto Rico, just as it is acute in the United States. If we can rehabilitate the public roads and public buildings that have been destroyed we will immediately provide partial relief for the destitute on the island.

There is another angle to this question. A large percentage of both of the large industries of sugar and tobacco in Porto Rico are under the control of citizens living in the United States. The island is literally drained of its own resources by reason of these absentee landlords who exploit the people and the soil of that country. Therefore we have a direct interest, and we are not wasting any money out of the Treasury when we consent to a paltry million dollars for Porto Rico at the present time.

The request was for \$3,000,000. You spent more than that in Florida looking for a fly that did not exist. [Laughter.] The gentleman from Indiana knows that. We appropriate lavishly for roads almost in every section of the country to rebuild roads damaged by floods. Here there is a serious condition, given in detail which will be found in the hearings. The amount asked was \$3,000,000, and you appropriate \$1,000,000.

Of course, that will do some good. The Delegate from Porto Rico generously thanked the committee for it, and let me say that the people of Porto Rico do not have to place themselves in the position of begging anything from the United States Congress. It is not necessary for Porto Rico to thank Congress or to thank the committee, because they are entitled to everything we are giving them in this bill and a great deal more. Porto Rico is a part of the United States. We are giving them only a part of something that is theirs.

Gentlemen of the committee, a similar item was stricken from a previous bill in conference between the Senate and the House. As I stated on the floor of the House at the time, I think a grave error was made and a most deplorable injustice committed against the people of Porto Rico. There seems to be considerable confusion in the minds of many of our colleagues in the consideration of this needed appropriation and the so-called Porto Rico relief bill which we passed some time ago. With the exception of \$2,000,000 for the rebuilding and repair of the schoolhouses destroyed by the hurricane, the bulk of the money authorized to be appropriated by the relief bill is to be used for loans. The loans, as the gentlemen of the committee will recall, are to be made to private individuals for the rehabilitation of their farms and property. This money, of course, will be returned and paid back into the Treasury of the United States. The \$3,000,000 that we now seek is to be expended for rehabilitation work entirely and to partially repair some of the damages wrought by the hurricane which swept over Porto Rico.

In this respect I desire to say that the people of Porto Rico should not be placed in the position of supplicants or in the slightest way embarrassed or humiliated in the consideration of this appropriation. In this respect Congress is establishing no new precedent. The people of Porto Rico are not asking for anything to which they are not really entitled. Congress has long since established the precedent. I need not go back many years, but only recently we appropriated for direct relief for the reconstruction of roads and bridges for the States of Vermont and Kentucky. Only a few days ago, gentlemen, the House passed on the Consent Calendar some \$600,000 for this very same kind of relief for the State of Georgia and some \$800,000 for the State of North Carolina. I examined these bills thoroughly, as I do all bills on the Consent Calendar. The many precedents dating many years back were cited in the reports accompanying those bills. It is simply an appropriation made by the Federal Government to rehabilitate in part the damages to public property arising from the acts of nature.

Whether it is a flood or a cyclone or a hurricane, it makes no difference. There is no question as to the irreparable damage suffered by Porto Rico from the last hurricane. The figures and statistics above described have been presented to this committee. The question is, Congress should treat people of Porto Rico, who are as much a part of the United States as the citizens of Washington, D. C., or the citizens of any other State, in exactly the same manner and with the same kindly consideration.

In dealing with matters like this we are discussing now, the Members of Congress must understand, first, that Porto Ricans are citizens of the United States and a part of our political organization, and second, that, being as they are, under a very peculiar form of colonial government, they have not the means, nor sufficient power or authority to solve certain problems, created as a consequence of the system, neither any authority to do things that a sovereign State in the Union has to do in the exercise of its ample form of government. In discussing matters referring to Porto Rico these two things are generally overlooked by many of the Members of Congress only because of lack of proper information.

The reason for getting the \$3,000,000 included in one of the deficiency bills for the present fiscal year was to have the money available immediately, and if possible, as intended, before the adjournment of the insular legislature, because the effects of the measure would have been felt as promptly as local conditions demanded. I believe that this money should now be appropriated for the present fiscal year. Taking into consideration the very difficult financial conditions under which the insular government is operating, it is absolutely impossible to expect that the Porto Rican government at the present, or in many years to come, could be able to repair or reconstruct their municipal and rural roads and those school buildings which are still waiting for repair or reconstruction. Bananas, plantains, sweet potatoes, and many other vegetables and food staples which are grown up in the mountains and distant rural zones are being lost at the present and will continue to be lost, while there are people practically starving to death in other zones and in the cities, thus becoming more and more acute the problem of feeding the people, simply because there are not available roads to bring at least by trucks to the towns and cities those products. The inhabitants of the cities and towns are suffering and will continue to suffer because of the scarcity of such products and the higher prices paid for those than can be secured and brought on horesback, since such products can not be brought in large quantities and duly marketed at fair prices.

The inhabitants at the distant rural zones and up in the mountains growing these food staples are also suffering and will continue to suffer because they can not sell even a good portion of what they grow, because there are no proper roads to bring the products to the cities, after having been damaged by the hurricane. These being the conditions, the crops perish, and ruin is the consequence. Hence the need of main and rural roads. Hence the need of repairing those rural roads and construct new ones, if possible, as a means of rehabilitating the island. The insular government is taking care, although partially and inadequately, of the insular highways and main roads, but they can not fairly expect any possibility of the insular government taking care of the municipal and rural roads. Gentlemen, they simply can not do it because they have not the funds. The people of Porto Rico and the insular government are not lacking in initiative, ability, willingness, or desire to do these things. They are simply lacking in public funds through no fault of their own.

School facilities on the island are also inadequate. They were before the hurricane. Long before the hurricane they had, and this has been repeatedly told Congress, over 200,000 people of school age without school accommodation. That number has been considerably increased. Schools are being suppressed every month, not because their government is not inclined to encourage education, but for lack of financial means to keep them operating. No vacancy of any teacher which takes effect can be filled, because there is not sufficient appropriation to pay the teacher, or there is lack of money to repair the school, to rebuild it, to build one if necessary, or to rent a house where the school must be established. The rehabilitation work started by the Federal Porto Rico Hurricane Relief Commission was only started. And most of the money spent will be practically lost unless the work is finished. This is one of the reasons for the same Federal Porto Rico Hurricane Relief Commission having recommended the additional appropriation of \$3,000,000.

I say that because of the great loss suffered by the island, reaching over \$100,000,000, their taxpaying system has been greatly demoralized as a logical consequence. The treasury of the island could not cause property to be sold to collect taxes, because the consequence would have been then no property and



no taxpayers. Because of their colonial system of government, they have no reserve funds to attend to these cases of catastrophes in their government. There is an explanation for this. Most of the invested capital belongs to nonresident stockholders who drain the island every year, taking out from this country in the form of profits and dividends over two-thirds of the product of labor and leaving there only the meager wages paid for long hours of labor. They, the investors, reside in the continental United States and in foreign countries, where the product of the Porto Rican labor goes to make prosperity in other communities. Since the product of their labor is not reinvested in the island in new industries or in the intensification of those already established, the consequence is that the Porto Ricans are getting poorer and poorer all the time and their island left in misery and hunger with no hopes and no means for rehabilitation and reconstruction.

This appropriation must be granted by Congress not only as a matter of human wisdom but at the same time as a practical business proposition to build up the strength and consuming power of the island. It will result in the mutual benefit of Porto Rico and the mainland as well. The island and the Nation will be equally concerned and equally benefited, considering that Porto Rico occupies amongst the customers of the United States and in all Latin America the fifth place.

I am glad to have the assurance that if more money is needed the committee will include it in one of the appropriation bills next year.

Mr. WOOD. Mr. Chairman, I desire to say a word in opposition to this amendment. Governor Roosevelt came before the committee and in a great deal of detail described the conditions in Porto Rico. I do not care to take your time or the time of the committee for the reasons that I have stated before, that we must be getting on with this bill.

Governor Roosevelt stated that the \$1,000,000 would be all they could use for a year. As I stated on yesterday, the purpose of the committee is in the event they can make proper use of this next year, if necessary, we will give them more, but there is no use in giving them money now that they can not use at present. So I hope the amendment will not be agreed to.

The CHAIRMAN. By unanimous consent, the pro forma amendment is withdrawn, and the question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Bureau of Agricultural Economics.

Mr. WOOD. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 20, strike out line 13 and insert "Grain Futures Administration."

The amendment was agreed to.

The Clerk read as follows:

Enforcement of the grain futures act: For an additional amount to enable the Secretary of Agriculture to carry into effect the provisions of the grain futures act, approved September 21, 1922 (U. S. C., title 7, secs. 1-17), including the same objects specified under this head in the agricultural appropriation act for the fiscal year 1931, \$17,640.

Mr. WOOD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. WOOD: Page 20, after line 19, insert "Bureau of Agricultural Economics."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Forest roads and trails: For an additional amount for carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including the same objects specified under this head in the agricultural appropriation act for the fiscal year 1931, and including not to exceed \$24,500 for departmental personal services in the District of Columbia, \$3,500,000, which sum is composed of \$1,445,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1931 by the act approved May 26, 1928, and \$2,055,000, part of the sum of \$5,000,000 authorized to be appropriated for the fiscal year 1931, by the act approved May 5, 1930: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of the said Federal highway act, the sum of \$5,000,000 authorized to be appropriated for the fiscal year ending June 30, 1931, by the act approved May 5, 1930: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization,

and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

Mr. WOOD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. WOOD: On page 23, after line 3, insert:

"Roosevelt Memorial: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled 'An act to provide for a memorial to Theodore Roosevelt for his leadership in the cause of forest conservation,' approved June 2, 1930, fiscal years 1930 and 1931, \$25,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COLTON. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the committee a question with reference to the item on page 12 of the bill. At the time of the hearings before the Roads Committee it was understood that we could use the whole \$5,000,000 authorized for the year 1931. Provision is made here for only \$2,055,000. This is the road-building season. I am wondering why more of that authorization was not appropriated?

Mr. WOOD. That is all they thought they could use.

Mr. COLTON. Is that the statement of the Bureau of Public Roads?

Mr. WOOD. Yes.

Mr. O'CONNELL. Mr. Chairman, I rise in opposition to the pro forma amendment in order to inquire about this Roosevelt memorial, for which \$25,000 is appropriated. What kind of a memorial is that to be?

Mr. WOOD. It is an archway at the entrance to one of the national forests.

Mr. LEAVITT. It is on the continental divide in Montana, between the Lewis and Clark and Flathead National Forests, and will be a fine stone archway dedicated as a memorial to Theodore Roosevelt as the leader in forest conservation. It is being erected this year because of the fact that this is the twenty-fifth anniversary year of the founding of the present Forest Service under the administration of Theodore Roosevelt.

The pro forma amendment was withdrawn, and the Clerk read as follows:

#### BUREAU OF STANDARDS

Hydraulic laboratory: For the construction and installation upon the present site of the Bureau of Standards in the District of Columbia of a suitable hydraulic laboratory building and such equipment, utilities, and appurtenances thereto as may be necessary, as authorized in the act entitled "An act authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor," approved May 14, 1930, including the obtaining, by contract or otherwise, of the architectural services at a fee not exceeding that usual for such service, without regard to civil service laws, rules, and regulations, the Classification act of 1923, as amended, or to section 3709 of the Revised Statutes of the United States (U. S. C., title 41, sec. 5), fiscal years 1930 and 1931, \$350,000.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. Inasmuch as I sponsored the authorization bill that has led to this appropriation of \$350,000 for the construction and installation of a hydraulic laboratory in the Bureau of Standards I feel that I should avail myself of this opportunity to get into the Record a letter from the Chief of Engineers to the chairman of the Rivers and Harbors Committee in regard to a survey of the Industrial Canal that connects the Mississippi River and Lake Pontchartrain within the corporate limits of the city of New Orleans, that I proposed through a resolution which enabled the engineers to make the examination, though the investigation was not as complete as I wished and hoped. But that survey was of great value to the proponents of inland waterways as a reading of the letter from General Brown will show.

Hon. S. WALLACE DEMPSEY,

*Chairman Committee on Rivers and Harbors,*

*House of Representatives, Washington, D. C.*

MY DEAR MR. DEMPSEY: 1. Referring to letter of the chairman of the Committee on Rivers and Harbors of the House of Representatives, dated February 27, 1929, inclosing a copy of a resolution of the committee of the same date, requesting the Board of Engineers for Rivers and Harbors to review the reports on Mississippi River, La., with a view to securing an outlet to deep water in the Gulf of Mexico by the most practicable route for a permanent channel of a depth not exceeding 35 feet, submitted in response to a provision in the river and harbor act approved June 5, 1920, with a view to determining the



advisability of constructing an outlet of this nature at this time, and for the purpose particularly of ascertaining the desirability and advisability of the United States reimbursing local interests for the expenditures made in constructing the Industrial Canal and finding its importance as a part of the inland waterways, I inclose herewith the report of the board in response thereto.

2. Recommendation was made in the reports under review that no modification be made of the existing projects, since adequate facilities were already provided for deep-draft vessels between New Orleans and the Gulf of Mexico. The particular improvement now desired is that the Federal Government take over the New Orleans Industrial Canal for use in connection with an additional outlet to the Gulf or provide a toll-free route for the intracoastal canal.

3. A large commerce moves through the Passes of the Mississippi River, the tonnage in 1928 having been 17,107,959 tons, exclusive of cargoes in transit, amounting to 2,384,788. The foreign commerce amounted to 11,738,614 tons. The total number of ocean vessels arriving at and departing from New Orleans was 6,228, the maximum draft being about 32 feet.

4. An artificial waterway between New Orleans and the Gulf would have to be not less than 500 feet wide and 35 feet deep. Duplicate locks would be necessary to overcome the difference in the elevation of the water in the Mississippi and in the Gulf and to facilitate shipping. Nine possible routes for such a waterway have been given consideration, the estimated costs ranging from about \$19,400,000 to about \$41,000,000. Some of these routes would be exceedingly difficult to maintain. The most advantageous is probably one passing through Barataria Bay, which is somewhat shorter to western points than the routes via the Passes. Allowing 50 minutes for passing through the lock, however, the sailing time would be about the same by way of Southwest Pass and by way of Barataria Bay. Vessels bound from New Orleans to eastern points would find the route via South Pass more advantageous than any of those considered.

5. The Industrial Canal is already part of the existing intracoastal route between the Mississippi River and New Orleans. The commerce on this route is increasing and the district engineer believes that the Industrial Canal has some prospective value as part of the inland-waterway system. Reimbursement of the owners for the cost of the canal is not considered advisable by him, since the improvement has been carried out on a much more extensive scale than is required for the intracoastal service. The owner might be reimbursed, in the opinion of the district engineer, in an amount equivalent to the cost of constructing a 9 by 100 foot canal with a suitable lock, the estimated cost of which is \$2,270,000, assuming that all rights of way and highway bridges were furnished at local expense. Since the question of improving the inland waterway from New Orleans to Columbus, Ga., is now being studied, the district engineer considers it preferable to consider the question of the Industrial Canal in connection with that report. He finds no necessity for an auxiliary route between the Mississippi River at New Orleans and the Gulf, as the continued maintenance of reliable channels in the two passes is now assured. He therefore recommends that no further steps be taken toward providing such a route or toward the acquisition of the Industrial Canal at the present time.

6. The division engineer concurs in the opinion of the district engineer. He points out that the toll charge for the movement of inland waterway traffic through the Industrial Canal is 5 cents per gross ton, and that the total payments made by the Federal barge line average less than \$10,000 annually. The cost to the United States, in interest charges alone, of providing a toll-free canal, should such be possible by the payment of \$2,270,000 to the owners, would be nearly ten times the toll charges now paid by the Federal barge line.

7. The board finds that the improvement of the mouths of the Mississippi has now reached a point where dependable channels can be assured indefinitely. The cost of maintaining these channels, including the extension of the jetties, which may be necessary within 50 years, is less than the annual carrying charges on any of the auxiliary channels considered. While there are some dangers and hazards to navigation through the passes, it is not to be expected that any more favorable conditions would be found in the restricted side channels which have been considered. The two improved passes have a capacity of several times the present commerce of New Orleans, and there is no necessity for another deep-water outlet, either for emergencies or to provide for increasing commerce. The question of making the Industrial Canal an integral part of the intracoastal waterway extending eastward from New Orleans has been given consideration in connection with recent studies, on which was based the recommendation of the department for channel improvement between New Orleans and Mississippi Sound. The traffic moving over this route is small and there appears to be no justification for the United States to take over the Industrial Canal, reimbursing the owners for its cost. That privately owned waterway is a much more extensive improvement than is considered necessary for an inland waterway; and, should further consideration be given in the future to its acquisition by the Federal Government, it would not appear equitable for the United States to assume the total expense.

The board recommends that the expenditures made in constructing the Industrial Canal be not reimbursed to local interests by the United States, and that no additional outlet to deep water in the Gulf of Mexico be provided at the present time.

8. After due consideration of the above-mentioned reports, I concur in the recommendation of the board.

Very truly yours,

LYTLE BROWN,  
Major General, Chief of Engineers.

The development of existing channels and the digging and construction of necessary waterways will occupy a larger part of the thought of the people of the Mississippi Valley as the years move on. They are alive to the necessities of our situation to-day, but the interest of to-day is feeble with what it will be within the next 10 years. New men are coming on the stage of life, young men, sun crowned, who live above the fog in public duties and in private thinking, young men who know their rights, and, knowing them, dare maintain them, young men who realize that the future of the valley and every individual in it depends upon how valiantly each State in the valley and every individual therein fight for their rights. Old theories, old dogmas, old policies will not be accepted or venerated as in the past, because of their antiquity. I have a letter from my friend and constituent, Walter Parker, who has been laboring for flood control for many years without even the hope of being rewarded with "well done, good and faithful servant." He has been a determined advocate of inland waterway development, confident that some day in the not-distant future, triumph will crown the efforts of those who foresaw the glories of the coming day. Listen to the toiler who has spent the best years of his active life in promoting the renaissance of the Mississippi and its tributaries, as carriers of commerce, by and through a proper adequate flood-control policy and who has cried out for a discussion of every feasible proposition that will make for the beneficial use of the waters that now run not only to waste but to destructive ends in their mad race to the Gulf during the flood periods.

A new element in community leadership is being introduced at New Orleans.

A group of 1,800 young business men, functioning as the Young Men's Business Club, has selected 50 of its members to make a special and thorough study of community economics, as a first step in a comprehensive movement to develop well-informed and basically trained leadership among the young men of the city.

We have a right to demand an accounting of the stewardship of the community exercised by the older generation, in order that we may know to what extent our inherited environmental opportunities have been improved or diminished by those who have held community leadership in the past, and we have a right to improve those opportunities in every way we can for the benefit of our generation, and the generations yet to come—

is the way the young men of New Orleans state the case.

Continuing, they say:

It is obvious to us that each succeeding older generation is more concerned with promoting security for an existing environment, which it understands, than with so improving that environment as to make it yield maximum economic opportunities for each succeeding generation of younger workers.

It is our purpose to prepare for civic and economic leadership in our community by learning what it is all about before, not after our turn to lead comes.

Ex pede Hercules—from the foot of Hercules build his stature. From the succinct and powerful description of the membership of the Young Men's Business Club of New Orleans, see the young men of the valley. They are coming not 10,000, not 100,000, but millions strong, and they are coming to fight for their rights, as part of the bone and sinew and patriotism of this country which we proudly call our own and scorn to give ought other reason why. If a canal 35 feet deep and 500 feet wide from St. Louis or Cairo to the Gulf be the proper channel through which to carry on the commerce of the valley, leaving the Mississippi itself as a drainage ditch pure and simple then they are going to demand it and fight for it to the last ditch. In this connection I might be permitted to say that some days ago I made the plan of the far-seeing J. H. O'Donnell, of Pittsburgh, a part of an address I delivered on flood control and the utilization of the waters that now inundate the alluvial valley, for beneficial purposes. And I am, in this address, going to incorporate a letter written me by my friend and constituent, George H. Maxwell, for he, too, has been a hero in the strife and has won his laurels on many a hard-fought field. It is on the anvil of discussion that the spark of truth will fly. It



is from papers such as that written by Mr. O'Donnell and the letter written by George Maxwell that the truth will be brought home to the people of the valley, and the truth will make them free—free from the errors of the past, free from prejudice against or veneration for any policy until it establishes itself by going through the fiery furnace of reason and the flames of logic. Listen to Maxwell, and you will understand his viewpoint as well as the plan which he assails, but without passion or acrimony:

Hon. JAMES O'CONNOR,

*House of Representatives, Washington, D. C.*

DEAR JUDGE O'CONNOR: I am under obligations to you for calling my attention to your speech on flood control, on pages 10953 and following of the CONGRESSIONAL RECORD for Monday, June 16, 1930, and containing the statement by Mr. John H. O'Donnell, of Pittsburgh. You have done the cause a service in again calling the attention of Congress to the idea of straightening the channel of the Mississippi and making a real inland waterway through the great central valley of the United States instead of a barge canal. I say this without any purpose of casting any animadversions on the barge transportation. It may be one of those small beginnings from which things at last some day reach their full stature.

I have followed the evolution of the idea underlying Mr. O'Donnell's article for a good many years. My attention was first called to it in an article in the *Orange-Judd Farmer*, then published by Mr. Herbert Myrick. The article was entitled "Double-Tracking the Mississippi," and was published not long after or during the flood of 1912. It was based on a plan presented by Mr. Carroll D. Riker. I have before me at this moment a pamphlet issued by Mr. Riker in 1914 containing a bill introduced by Mr. Griffin in the Sixty-third Congress, second session, on July 31, 1914, which contains a map of the proposed project showing the proposed course of the "Mississippi spillway from Cairo to the Gulf." The chief features of Mr. O'Donnell's plan were then embodied in Mr. Riker's plan, including automobile highways and railroads to parallel the great auxiliary channel proposed as a waterway and flood way. Mr. Riker has stuck to his guns, and has now on exhibition in the basement of the Senate Office Building a model of his project.

If the map of the O'Donnell project is laid beside that of the Riker project, about the only difference between the two as they appear on the maps is that the Riker project follows a somewhat different route. The Riker project crosses the Mississippi River just below Memphis, crosses the Delta in the State of Mississippi, and returns to the west side of the main river above Vicksburg. It thus follows all the way through the low swamp country from Cairo to the mouth of the Red River. The O'Donnell project is laid out on the map as a straight line from Cairo to the Gulf, which takes it across much high ground which could easily be avoided by following the natural drainage line through the swamps which nature left straight when building the crooked channel of the Mississippi River. Wherever the two projects differ the Riker project shows that it has been more carefully studied, but if such a channel is ever built (and I believe it will be), it will start at Cape Girardeau and follow the low swamp natural drainage channel all the way from Cape Girardeau to mouth of the Red River and thence south to the Gulf by whatever route may prove the most feasible. The plan of the Morgan Engineering Co. for a flood way from Cape Girardeau to the mouth of the St. Francis River is the project which will ultimately prove to have been the initiation of the ultimate project, but it is entirely practicable to carry the channel around Crowley's ridge to the north, where the flood water ran in 1927, and thence to the Gulf, without ever going back into the channel of the Mississippi River.

The plan of the O'Donnell project, which is a modification of the Riker project, brought to my mind an incident that might interest you, now that you have shown your friendliness to giving publicity to these larger aspects of the Mississippi River problem. When Senator Newlands was living, and Bryan was Secretary of State, I once went with Senator Newlands to talk with him about the Mississippi River. The mind of Mr. Bryan was centered on just one phase of the Mississippi River problem, and could consider no other. That phase was the value of the river for a great national central waterway. His idea was that the river should be strengthened from Cairo to New Orleans. That, of course, being impracticable, the next question is whether a new straight channel might be created, and the fall in the river used to develop power, instead of cutting a canyon at Cairo about 300 feet deep. The Riker and O'Donnell projects both propose an excavated channel, and both propose to utilize the fall of the river for the power.

Some day, however, some St. Louis man will wake up and want to know why ocean steamships are not docked at St. Louis. He will be an engineer with the vision of Lyman J. Cooley, who told a committee of Congress that with modern methods of excavating with hydraulic giants under water you can make any river over, make it any size you want, and make it run wherever you want. And the fact is that whenever St. Louis gets to work at it they will find that they could make the old Mississippi over again and make it run on a dead straight line from Cape Girardeau to the Gulf, with a bend a little once or twice to follow the low swamp drainage line, and make the river do its own

excavating. That, of course, is a new proposition, but there was a time when electric busses were new and when airplanes were new. The Atchafalaya has proved how a river will dig its own channel. Before the war there was no Atchafalaya River and now it is there with a channel big enough to carry 750,000 second-feet of flood water and that will be the main river before many years if New Orleans does not wake up and control the outlet at the mouth of Red River. The Colorado River dug a channel in a few weeks through the Imperial Valley big enough to carry 300,000 second-feet of flood waters from the Colorado River. In Burma, English engineers have made the Rangoon River dig channels through a level delta to carry the floods, instead of building levees. That is all explained in the book by Leete, which I showed to the Flood Control Committee on May 2, when I was before that committee; and that whole proposition of excavating a straight channel for the Mississippi from Cape Girardeau to the Gulf is explained in my statement before that committee two years ago. And a map is attached to that statement, opposite page 4172, of part 6 of the 1928 hearings, showing the route for such a channel from Crowley's Ridge, where it would connect with the flood way of the Morgan Engineering Co., to the Gulf of Mexico.

The desperate tenacity with which the Federal Government and the levee boards have clung to ancient and discarded methods on the Mississippi River is well illustrated by the fact that if they had, when the Mississippi River Commission was created, built two parallel double-mesh-wire fences through the swamps on the line of the Morgan Engineering Co.'s flood way from Cape Girardeau through the St. Francis Basin to a junction with the route shown on the map accompanying my statement above referred to, and thence on to the Gulf of Mexico, there would now be a river that whole distance as big as the Atchafalaya River, and St. Louis would at this moment be an inland-ocean seaport, loading and unloading oceangoing steamships at her docks. And the only cost would have been for the mesh wire and building the fences to guide the flood waters in digging the channel, supplementing the work of the river to dig this new straight channel for itself by a little work here and there with a hydraulic giant in the nose of a boat. It would be cheaper to turn the river to work on the job of digging that new straight channel for itself than to try to revet or straighten the old channel. The new channel would straighten the distance and cut it in half from the Gulf to St. Louis.

If St. Louis doesn't take advantage of this opportunity, some enterprising speculator, some American Cecil Rhodes, will build a new city at Cape Girardeau or thereabouts, and the slogan that will make his name famous will not be "Cape to Cairo" but "Cape to the Gulf"; and if New Orleans is wise in her day and generation, they will add "via New Orleans."

Yours very truly,

GEORGE H. MAXWELL.

I have been the mouthpiece of the Flood Control Association, of which Walter Parker has been and is the directing influence, ever since I came to Congress. I cried aloud as if in a wilderness, with apparently no one to hear me, about the coming terror of 1927, except a few brave souls such as the choice spirits who gave to the country the Newlands bill, which was permitted to languish and give place to the Federal water power bills through which it was repealed. And that repeal came not with tidings of a great joy but with a message of grief to the men who had worked for it and who saw it suffocated to death in the cradle of its birth. But they still march on, saddened but undeterred, disheartened but not defeated, for they see in the coming the young fighting men whom Mr. Parker describes, and who will know no failure. Problems have to be solved before the valley becomes the land flowing with milk and honey. Those problems will be solved.

And one of the instrumentalities that will be of tremendous service in the solution of those problems will be the hydraulic laboratory. Through it the civilian engineers of the United States, and they are a vast host of intellectualists, will aid and support the Army engineers for whom I have a great affection, attested, I think, in many instances and in many a debate. The laboratory will be a servant of the people and a mighty hunter, a Nimrod in the search for those laws that govern running waters, and the means which will change a menacing liability into a valuable asset. It is through a properly controlled river that we are going to restore "The farm, best home of the family, main source of national wealth, foundation of civilized society; the natural providence."

A properly controlled river will make many of what are desolate places prosperous, and it requires no visionary eye to see that the desert shall rejoice and blossom as the rose.

A properly controlled river will make for power development that intrigues but blinds the imagination so dazzling is its splendor. A power which will generate that electricity which will bring into existence thousands of factories, establish new industries, and illuminate hundreds of cities and millions of homes, electricity—carrier of light and power, devourer of time and space, bearer of human speech over land and sea,



greatest servant of man, itself unknown; thou has put all things under his feet.

The Clerk read as follows:

#### BUREAU OF FISHERIES

Auxiliary fish cultural station, Oklahoma: For replacing the dam destroyed by flood and repairing other flood damage, fiscal years 1930 and 1931, \$17,500.

Mr. McKEOWN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment by Mr. McKEOWN: Page 25, line 22, after the word "damage," insert "and for completion of ponds," and in line 22 strike out "\$17,500" and insert "\$25,000."

Mr. McKEOWN. Mr. Chairman, I hope the chairman of the committee will accept this amendment, because that completes the project and we will not then be bothering Congress any further about it.

Mr. WOOD. Mr. Chairman, we can not accept the amendment, for the reason that there has been no estimate for it, and the testimony from the Bureau of Fisheries is for this amount to replace the dam that was destroyed. Until we have something from the Bureau of Fisheries with reference to the necessity for this we would not be justified in permitting the amendment.

Mr. McKEOWN. Mr. Chairman, the Bureau of Fisheries made an application to the Bureau of the Budget for the full \$25,000 with which to complete the ponds and to rebuild the dam. The Bureau of the Budget allowed them \$17,500, but did not allow them the \$7,500. Here is the situation: The Bureau of Fisheries in that part of the country is two years behind in supplying fish. If we can complete these ponds for the small amount of \$7,500, it will save that amount in freight and expenses in distributing fish. It is an economical situation, so far as the Government is concerned.

To leave that project down there to be completed after a while will cost more by a great deal, when it can be done now while they are finishing these ponds. They can complete the work for \$7,500, and it will cost twice as much if we have to go back there another year, and these people move their machinery away from the place it is now being used. This is only a small amount. It is only to give us a chance to get it completed while the machinery is there. I ask the committee to adopt this amendment. The Bureau of Fisheries want it. They want to complete the work while they are there and while the machinery is there.

Mr. WOOD. The Bureau of the Budget went into this, and they came to the conclusion that this is not necessary at this time. Nothing will be hurt by letting it go along for a time. There is no emergency for it.

Mr. McKEOWN. It will cost the Government more money. If you give us \$7,500 now we can complete the project while the machinery is on the ground.

Mr. ALMON. How much will be saved by finishing it now?

Mr. McKEOWN. Fifteen thousand or twenty thousand dollars.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. McKEOWN) there were—ayes 37, noes 68.

So the amendment was rejected.

The Clerk read as follows:

#### PATENT OFFICE

Photolithographing: For an additional amount for producing copies of weekly issue of drawings of patents and designs, etc., including the same objects specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1930, \$40,000.

Mr. PATTERSON. Mr. Chairman, I move to strike out the last word in order to ask the chairman in charge of the bill a question.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last word.

Mr. PATTERSON. I did not notice the item when we passed it in regard to the Agricultural Department. I do not want to delay the proceedings, but I would like to get some information here. I notice in the Budget estimate submitted \$80,000 was carried for expenses in connection with the eradication of the peach disease, and also an item for farm management. That is not carried in this bill, is it?

Mr. WOOD. Those were estimated for, but the committee did not allow them.

Mr. PATTERSON. Why not?

Mr. WOOD. If the gentleman will read the speech that I made yesterday he will get the reasons better than I can give them to him now.

Mr. PATTERSON. I notice the reasons for these appropriations were pointed out in the hearings, and that some of them are quite convincing.

Mr. WOOD. The committee did not think they were convincing.

Mr. PATTERSON. The farmers and the peach growers did not "make out their case" at that time, according to the committee. I regret this, especially since we are all interested in farm relief.

Mr. WOOD. No.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Education: The appropriation "Industry among Indians" for the fiscal year 1931, and the appropriations from Indian tribal funds for industrial assistance during the fiscal year 1930, the unexpended balances of which were reappropriated by the act of May 14, 1930, for the same purposes during the fiscal year 1931, are hereby made available for making advances to worthy Indian youths to enable them to take educational courses, including special courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, advances so made to be reimbursed, under such rules and regulations as the Secretary of the Interior may prescribe, in not to exceed eight years.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I wish to inquire of the chairman of the committee to what extent the Indian Service makes allotments of appropriations for Indian youth—girls and boys—to secure college and university education, as provided in this paragraph?

Mr. WOOD. I will state to the gentleman from Wisconsin that this is an experiment.

Mr. STAFFORD. I thought it was a new venture. I rose to inquire what is the idea of the committee as to the extent that the Bureau of Indian Affairs is going to be privileged to allot Indian funds to be used for university and college education?

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SCHNEIDER. I would like to inform my colleague that this is for the purpose of higher education, the money to be derived from tribal funds and made reimbursable. As the gentleman will recall, on the Menominee Reservation there are each year a number of girls and boys graduated from the high school. This money, which is to be paid back, will give them that opportunity. That also applies to other tribes. These children ought at least be given the same opportunity for higher education as private citizens.

Mr. STAFFORD. I am in sympathy with the proposition to give higher education for Indian girls and boys. We have heretofore maintained the Carlisle Indian School, but I understand that has been abandoned. What advantages for college education do we accord generally to the Indian youth?

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LEAVITT. There has been a great deal of misunderstanding concerning that Carlisle School. We have been accustomed to speaking of it as of Yale or Harvard. The fact is that at the Carlisle School nobody went beyond about the second year of high school. We have never had an opportunity to extend a real university course to individual Indians. We have now brought them to the point where education should go beyond that afforded by the ordinary Government schools.

Mr. STAFFORD. Has the Government ever conducted any activity for the education of Indian youth in professional schools? Has it made any provision for such activity?

Mr. LEAVITT. Not heretofore.

Mr. STAFFORD. What is the method for the allotment of this fund? Is it going to be parceled out, or specialized to a favored few? What is to be the policy?

Mr. LEAVITT. It will have to be a matter of selection in the judgment of the Indian Office. The amount is not sufficient to go to the extent of an indiscriminate assignment of these funds to the Indian youths. But those who will be selected will be at the discretion of the commissioner.

Mr. STAFFORD. The authorization is without limit except as to the amount of the item. Are we going to appropriate



\$2,000,000 or \$3,000,000 or \$5,000,000 for the higher education of Indian youth? I am mindful and most of the Members of the House are mindful of that movie picture of the Indian Red Skin which rather decries the idea of the higher education of the Indian.

Mr. SCHNEIDER. The gentleman is certainly aware of the fact that not many Indians are seeking education higher than the high-school grade. The money is to come from reimbursable funds belonging to the tribes.

Mr. STAFFORD. How much money is expected to be expended for this purpose?

Mr. WOOD. There is no definite amount and the sums available are not large. It is a matter of selection, and the selection is to be determined by the Secretary of the Interior. I have said this is an experiment and the money is to be reimbursed, as has been stated by the gentleman from Wisconsin [Mr. SCHNEIDER].

Mr. STAFFORD. The gentleman happens to be a colleague of mine.

Mr. SCHNEIDER. I want to say that there were 10 young Indians from the Menominee Indians last year who were graduates from the high school who wanted to go to the University of Wisconsin and did not have the money to do so.

Mr. STAFFORD. Mr. Chairman, I am not desirous of interposing a point of order against this worthy purpose because, as the chairman says, it is an experiment. I think there should be some limit imposed, otherwise it might run ad libitum into the millions. We will see about it in future years. I know the gentleman from Indiana [Mr. Wood] will be here; perhaps I will not; I withdraw the reservation, Mr. Chairman.

The Clerk reads as follows:

#### BUREAU OF RECLAMATION

Boulder Canyon project: For the commencement of construction of a dam and incidental works in the main stream of the Colorado River at Black Canyon, to create a storage reservoir, and of a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from such reservoir; to acquire by proceedings in eminent domain, or otherwise, all lands, rights of way and other property necessary for such purposes; and for incidental operations; as authorized by the Boulder Canyon project act, approved December 21, 1928 (U. S. C., Supp. III, title 33, ch. 15A); \$10,060,000 to remain available until advanced to the Colorado River Dam fund, which amount shall be available for personal services in the District of Columbia and for all other objects of expenditure that are specified for projects included under the caption "Bureau of Reclamation" in the Interior Department appropriation acts for the fiscal years 1930 and 1931, without regard to the limitations of amounts therein set forth: *Provided*, That of the amount hereby appropriated, not to exceed \$100,000 shall be available for investigation and reports as authorized by section 15 of the Boulder Canyon project act.

Mr. DOUGLAS of Arizona. Mr. Chairman, I rise to a point of order, under Rule XXI, clause 2, and the first sentence thereof, which reads:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

In speaking on the point of order, Mr. Chairman and members of the committee, I ask your indulgence. The matter is an important one in itself, and the point of order is one of great interest.

The first matter which I will call to your attention is that pertaining to the theory on which the Boulder Canyon project act was passed by Congress. In speaking on that I desire to call to your attention the provisions of section 4 (b) of the act, which reads:

Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance—

And so forth.

Secondly, I desire to call to the attention of the Chair the provisions contained in the first sentence of section 5 (c), which reads:

Contracts for the use of water and necessary privileges for the generation and distribution of hydroelectric energy or for the sale and delivery of electrical energy shall be made with responsible applicants therefor who will pay the price fixed by the said Secretary with a view to meeting the revenue requirements herein provided for.

And, further, in section 5 (c) the provision which reads:

*Provided, however*, That no application of a State or a political subdivision for an allocation of water for power purposes or of electrical energy shall be denied or another application in conflict therewith be granted on the ground that the bond issue of such State or political subdivision necessary to enable the applicant to utilize such water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy or the electrical energy applied for has not been authorized or marketed, until after a reasonable time, to be determined by the said Secretary, has been given to such applicant to have such bond issue authorized and marketed.

I desire further, Mr. Chairman, to call attention to the language on page 12 of the majority report submitted to the House with the bill, coming from the Committee on Irrigation and Reclamation, which reads:

Not only does the bill specifically require the complete refinancing of the project but the nature of the agencies which will underwrite the cost.

And further, Mr. Chairman, the language in the majority report—

The CHAIRMAN. Is that on page 12?

Mr. DOUGLAS of Arizona. Page 12 of the majority report, Report No. 918, of the Seventieth Congress, first session.

The CHAIRMAN. The other quotation was from the Boulder Canyon project act?

Mr. DOUGLAS of Arizona. I am now speaking of the majority report of the Committee on Irrigation and Reclamation, dated March 18, 1928.

Further, Mr. Chairman, I desire to call your attention to the language on pages 28 and 29 of the majority report on the Boulder Canyon project act, dated March 20, 1928, by the Senate Committee on Irrigation and Reclamation when it reported the Boulder Canyon project act to the Senate, which reads:

The provisions of the bill and the character and solvency of the organizations with which the Secretary will contract assures to the Government full return of the money advanced, with interest. It will be no experiment. The Secretary will not contract with organizations of doubtful solvency.

These contracts will be binding and enforceable, and the Secretary is not permitted to make any expenditures on the project until such contracts are secured.

Further, I desire to call to your attention an amendment which was accepted by the House of Representatives on the 28th of May, 1928, which involved the striking of the language "or otherwise" from section 4 (b), heretofore quoted. The language originally read:

Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract or otherwise.

The amendment offered in the House in 1928 to strike the words "or otherwise" from the language of the bill was approved by the House, and the gentleman from California accepted the amendment.

I further call to the attention of the Chair the acceptance by the Senate of the same amendment.

Finally, Mr. Chairman, I call to your attention the remarks of the gentleman from California [Mr. SWING], delivered on the 23d of May, 1928, when the Boulder Canyon project act was being debated in Committee of the Whole House:

The pending bill contains a provision which has never been inserted in any legislation heretofore, and provides that before a dollar can be appropriated or before any contracts can be made or any money expended there must be in the hands of the Secretary of the Interior solvent and binding contracts.

Mr. Chairman, I submit that therefore it can not now be denied that the theory on which the Congress passed the Boulder Canyon act was that there were to be guaranties of the return of the cost of the project, plus 4 per cent interest, before one single cent could be appropriated by the Congress. On the contrary, Mr. Chairman, it can be positively affirmed without any fear of contradiction that when the Congress passed the Boulder Canyon project act it contemplated that there were to be no mistakes, that there were to be no expenditures made out of the Treasury of the United States until there should have been submitted guaranties that every dollar so taken out would be returned. Further, when Congress passed the Boulder Canyon project act it was contemplated that there must be protection against the situation in which the United States would have constructed a great, beautiful dam, with a great, beautiful



generating equipment, in the heart of the great American desert, but would have found no outlet for its power and no revenue flowing therefrom; protection against a situation similar to the one with which the Congress has been confronted for 10 years, namely, that of Muscle Shoals; a protection against the necessity for construction of a transmission line to Los Angeles by the United States.

Mr. Chairman, on the point of order two questions arise. The first is, whether or not the conditions precedent to an appropriation, as expressed in the explicit language and in the implicit meaning of the enabling act, have been complied with, and, second, whether or not that question is one of which the Chair should take jurisdiction.

I shall, Mr. Chairman, direct my remarks to the second question first, since that is the logical arrangement.

It does not seem to me, Mr. Chairman, that it can be urged that the Chair should not take jurisdiction for the reason that all of the matters precedent—

Mr. WOOD. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order. If the gentleman will confine himself to the point of order, well and good, but this is not the time to be discussing the merits of this appropriation.

The CHAIRMAN. The Chair will say that at the present moment the gentleman is certainly directing his discussion to the exact question whether the Chair has jurisdiction of the point of order he is making.

Mr. WOOD. I do not care to limit the gentleman's argument in opposition to this appropriation, but I do think that at this time he should confine himself to the point of order and not intermingle it with other matters.

Mr. DOUGLAS of Arizona. May I say this to the gentleman from Indiana, that everything I have to say or propose to say will be confined entirely to the parliamentary situation.

Mr. WOOD. Perhaps it will be hereafter, but it has not been up to date.

Mr. DOUGLAS of Arizona. I believe it has been. Mr. Chairman, it does not seem to me that the Chair can reasonably urge that this is a question over which it should not take jurisdiction on the ground that all of the matters pertaining to conditions precedent are solely within the discretion of the Secretary of the Interior.

I call the attention of the Chair to the language of 4 (b) of the Boulder Canyon project act heretofore read. It is obvious from the language of that section of the act that two conditions precedent, if none others, are required before an appropriation is in order. The first is that contracts for revenues "adequate in his judgment"—referring to the Secretary of the Interior—"to insure payment"—shall have been made. I do not argue, Mr. Chairman, that with respect to the adequacy of the revenues the Secretary of the Interior, in so far as the parliamentary situation is concerned, has not complete discretion. The language of 4 (b) expressly delegates to him that discretion; but I do hold, Mr. Chairman, that in view of the fact that the language reads:

By contract, in accordance with the provisions of this act—

In view of the fact that "adequate in his judgment" modifies revenues, whereas "in accordance with the provisions of this act" modifies contract, and in view of the further fact that "adequate in his judgment" does not modify contract, the Secretary of the Interior has not complete discretion with respect to the nature of the contracts which shall be made; that, on the contrary, the nature of a contract "in accordance with the provisions of this act" is at least partially defined by the act authorizing the appropriation, and I call the attention of the Chair again to the first sentence of section 5 (c), which defines the parties with whom the Secretary shall contract. I submit to the Chair that in that language there is no discretionary power delegated to the Secretary to define what a contract is or who the party shall be; that Congress has defined that matter.

Further, I call the attention of the Chair to the language in the latter part of 5 (c), which refers to the voting of bonds by a political subdivision, in the event there is an application in conflict therewith, and I call to the attention of the Chair, with respect to the language of the act referred to, that there is but one discretionary power delegated to the Secretary of the Interior, and that is to determine the period of time which shall be given to a political subdivision in which it shall vote the bonds necessary to permit it to utilize the electrical energy applied for. It follows, it appears to me, Mr. Chairman, that inasmuch as the contract and the parties with whom the Secretary must make contracts and the provisions with respect to political subdivisions in the event they are contractees—inasmuch as all those matters are defined by law, the Secretary of

the Interior has not complete jurisdiction with respect to the definition of a contract.

It further follows, Mr. Chairman, that section 4b is more than a condition. It is, as a matter of fact, a prohibition against the making of an appropriation until the conditions precedent over which the House and the Chair, as the interpreter of the rules of the House, has jurisdiction.

I submit the following to the Chair. Let it be assumed that the Congress were to pass an act authorizing an appropriation of \$5,000,000 for the construction of barracks at Fort Snelling; that the authorization were contained in the first section of the act and that in the second section there were language to the effect that before any appropriation can be made the Secretary of War must have decided that there existed a necessity for barracks at Fort Snelling, and provided, further, that no money should be appropriated prior to the year 1935. Then, Mr. Chairman, let us assume that in 1930 the Secretary of War appears before the Committee on Appropriations and says that a necessity for barracks at Fort Snelling has arisen and that it is now 1935; and let us assume that in 1930 the Committee on Appropriations, acting upon that statement of an executive officer, reports to the House a bill containing an item of \$5,000,000 for the construction of barracks at Fort Snelling. Surely, the Chair would not hold that the Secretary of War had been delegated discretion to state in 1930 that the year 1935 had, as a matter of fact, arrived.

This language in the authorization act assumed is a prohibition, a limitation, a statement of conditions precedent, just as the words in the Boulder Canyon project act are prohibitions, limitations, and conditions precedent. Just as the Chair would be compelled to take cognizance or jurisdiction of a point of order in the event cited with respect to Fort Snelling, so now must the Chair take jurisdiction over the point of order which has been raised; nor can the Chair urge that section 3 of the Boulder Canyon project act is the only provision of the act dealing with an authorization.

Just as the Chair, in the event of the Fort Snelling case, could not hold that the only authorization was contained in section 1 and that the provisions of section 2 were simply directions, a statement of policy and no more. Were the Chair to rule otherwise, the ruling would, in effect, nullify all subsequent or prior language in the act, and would vitiate an act of Congress. Nor can the Chair urge that because it is more difficult in the case now before him to determine whether the conditions precedent have been met than it would be to determine whether in the year 1930 the year 1935 had arrived, he need not take jurisdiction in instant case; nor can it be urged by the Chair that the Chair has no jurisdiction to determine a question of fact.

There are many precedents in which the Chairman of the Committee of the Whole has taken jurisdiction to determine a question of fact, and I refer the Chair to Hinds's 376, case of February 22, 1907, in which the Chair directly went to the hearings to determine a question of fact. The question was on an item carried in an appropriation bill for \$25,000 for additional land in the District of Columbia, in connection with a public building. The point of order was raised by Mr. TAWNEY to the effect that the land was not adjacent, and that there was no act of authorization; and the Chair went to the hearings to determine the question of fact.

Mr. TILSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDELOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12902, had come to no resolution thereon.

#### RECESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the House stand in recess subject to the call of the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Accordingly (at 3.10 o'clock p. m.) the House stood in recess subject to the call of the Speaker.

VISIT OF REAR ADMIRAL RICHARD E. BYRD

During the recess—

The SPEAKER. The Chair appoints the gentleman from Connecticut [Mr. TILSON] and the gentleman from Texas [Mr. GARNER] to escort our distinguished guest, Rear Admiral Richard E. Byrd, to the Chamber.

Rear Admiral Byrd entered the Chamber and was escorted by Mr. TILSON and Mr. GARNER to the Speaker's rostrum and took his place at the Speaker's right.



The SPEAKER. Admiral Byrd, on December 2, 1929, the opening day of the first regular session, Seventy-first Congress, this House, as its first official act, passed the following resolution:

*Resolved*, That the Speaker is requested by means of the radio to convey to Commander Richard E. Byrd and his associates the congratulations of the House on their recent successful flight over the South Pole, which was marked by such unerring skill and dauntless courage, and to express its confident hope that the further activities of the expedition under the able and brilliant leadership of Commander Byrd will greatly contribute to the world's scientific knowledge.

These were the sentiments of the House, Admiral, when you were many thousand miles away. We desire as one man to reiterate them to you here in your presence. [Applause.]

Gentlewomen and gentlemen of the House, I present to you one of America's most beloved sons, brilliant and intrepid explorer, scientist, aviator, the one man in all the world who has no more poles to conquer, Admiral Dick Byrd. [Applause, the Members rising.]

Admiral BYRD. Mr. Speaker and Members of the House of Representatives, I stand here as the representative of my companions, for it was my companions who did that for which you have honored me. So in their name, I give you our most humble gratitude for your reception to-day and for the big honor that you did to the expedition. [Applause, the Members rising.]

The SPEAKER. Admiral Byrd's companions are in the gallery and on the floor. I will ask them to rise that the House may do them honor.

The members of the Byrd expedition rose and were greeted with prolonged applause.

The SPEAKER. Admiral Byrd will now be glad to meet the Members of the House of Representatives.

Admiral Byrd stood in the well of the House, and the Members were individually presented to him by Mr. TILSON.

The following is a list of the members of the Byrd Antarctic Expedition visiting the House to-day:

Rear Admiral R. E. Byrd, commander; Dr. L. M. Gould, second in command, geologist and geographer; Capt. A. C. McKinley, third in command, aerial photographer; William C. Haines, fourth in command, meteorologist; Charles E. Lofgren, aide to Admiral Byrd; Clair Alexander, assistant sailmaker; Bernt Balchen, chief pilot; G. Hamilton Black, supply officer; Quin A. Blackburn, topographer; Christofer Braathen, dog driver, ski expert; Kenneth Bubier, aviation mechanic; Jacob Bursey, dog driver; Arnold H. Clarke, assistant to meteorologist; Dr. F. D. Coman, medical officer; Frederick E. Crockett, dog driver; Victor Czegka, machinist; Prof. Frank T. Davies, physicist; E. J. Demas, aviation mechanic; James A. Feury, snowmobile operator; Joe De Ganahl, dog driver, navigator; Edward E. Goodale, dog driver; Charles Gould, carpenter; Lieut. Malcolm Hanson, radio engineer; H. T. Harrison, jr., aerologist; H. I. June, pilot; Howard Mason, radio operator; T. B. Mulroy, fuel engineer; John S. O'Brien, surveyor; Russell Owen, New York Times correspondent; A. U. Parker, pilot; Carl Peterson, radio operator; Martin Ronne, sailmaker; Benjamin Roth, aviation mechanic; Joseph Rucker, motion-picture photographer; Paul A. Siple, boy scout; D. C. Smith, pilot; Sverre Strom, ice pilot; George Tennant, cook; George A. Thorne, surveyor, ski man; Willard Van der Veer, motion-picture photographer; Norman D. Vaughan, dog driver; Arthur T. Walden, in charge of dogs.

#### AFTER THE RECESS

At 3 o'clock and 30 minutes p. m. the Speaker called the House to order.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the proceedings during the recess may be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. RANKIN. Reserving the right to object, and I shall not object, will the gentleman include a list of Admiral Byrd's associates who are visiting the House to-day?

Mr. TILSON. I will include that in the request.

The SPEAKER. Is there objection?

There was no objection.

#### SECOND DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12902, the second deficiency appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union with Mr. CHINDELOM in the chair.

The CHAIRMAN. When the House took a recess the gentleman from Arizona [Mr. DOUGLAS] had the floor on a point of order.

Mr. DOUGLAS of Arizona. Mr. Chairman, inasmuch as the Secretary of the Interior has not complete discretion with re-

spect to the nature of a contract; inasmuch as section 4 (b) of the enabling act in conjunction with the provisions of section 5 (c) are prohibitions against making an appropriation; inasmuch as it can not reasonably be held by the Chair that sections of the enabling act other than section 3 are merely statements of policy; inasmuch as the difficulties implicit in a determination of the question can not be urged as a reason for avoiding jurisdiction; inasmuch as avoiding jurisdiction can not be claimed on the grounds of parliamentary incapacity to determine a question of facts; and inasmuch as the House and not the Secretary makes appropriations under the rules of the House of which the Chair is the interpreter, I respectfully submit, Mr. Chairman, that the Chair must take jurisdiction of the question, Have the conditions precedent to an appropriation as defined in the Boulder Canyon project act been met?

If the Chair should rule that, in determining the question, the only evidence of which he may take knowledge is the testimony of the Secretary of the Interior, I shall show further on in the argument that the Secretary of the Interior has stated that the conditions precedent have not been met.

Mr. Chairman, I shall hereafter direct my argument to the question, Have the conditions precedent to making an appropriation as defined in the Boulder Canyon project act been met?

The first query arises, What are the conditions? Section 4 (b) provides that contracts must be made. Section 5 (c) provides that contracts must be with responsible parties who "will pay the price," or, in other words, that contracts must be made with parties who not only agree to pay but who as a matter of fact are able to and will pay. The proviso of section 5 (c) means that contracts must be made with parties which have available the necessary funds to construct the facilities with which the contractor will be able to utilize the water and power contracted for. These three provisions with respect to contracts and contractors taken together are susceptible of but one interpretation—the provision for revenue must be made by contract with a contractee who agrees to pay, who is able to pay, and who in addition has available the necessary financial resources with which it may construct the facilities to permit it to utilize the electrical energy and the water contracted for. There are three contracts which have been negotiated and executed.

Mr. WOOD. Mr. Chairman, I rise to a point of order. My point of order is that the gentleman has iterated and reiterated the points he thinks are involved in this question. It occurs to me that there has been sufficient time occupied by the gentleman already.

Mr. DOUGLAS of Arizona. Mr. Chairman, I am not attempting to be dilatory, but I do want to complete my argument on the point of order. It will require approximately 10 minutes to complete it.

The CHAIRMAN. The gentleman has stated that the question divides itself into two parts—first, whether a point of order exists of which the Chair has jurisdiction and should take cognizance, and, secondly, if such a point of order does exist, then there are other matters which the gentleman desires to discuss in connection with the point of order. However, it might expedite matters if the gentleman now discusses those further questions as briefly as possible. The Chair will indulge the gentleman if he thinks he can conclude in 10 minutes.

Mr. DOUGLAS of Arizona. Mr. Chairman, three alleged contracts have been made—one with the Metropolitan Water District of Southern California for water, the second with the Metropolitan Water District of Southern California for power, and the third with the city of Los Angeles and its department of water and power and the Southern California Edison Co. for a lease of power privilege. Each one will be discussed separately. With respect to the contract with the Metropolitan Water District for water, nothing more need be said than that it is an option, as evidenced by the testimony of the executive secretary to the Secretary of the Interior, to be found on page 958 of the hearings. With respect to the second contract with the Metropolitan Water District for power, it need only be said that the city of Los Angeles is its generating agency, and that further the city of Los Angeles under the terms of the contract is to transmit energy over its transmission lines for it, and that further all damages which the Metropolitan Water District may claim must be obtained from the city and not from the United States. It follows, therefore, that the second contract hinges on the contract with the city. If the city contract is not within the meaning of the law, the contract with the Metropolitan Water District is likewise not within the meaning of the law. So the discussion hinges entirely, then, upon the contract with the city.

The obligations under the last-named contract are fourfold. First, the city and the company agree to pay in 10 equal annual



installments throughout the first 10 years of the lease an amount sufficient to amortize the cost to the United States of the generating equipment, plus 4 per cent compounded thereon, plus 4 per cent interest, for the occupancy of and the right to use the generating equipment for a period of 50 years. The second obligation is that the city agrees to take and pay for 37 per cent of the power to be generated, and the company agrees to take and pay for 27 per cent of the power at a price for water equivalent to 1.63 mills per kilowatt-hour for electric energy. Both agree to transmit energy. In the language of the Attorney General to be found in the hearings it, therefore, follows "as none of the transmission lines have been built, the performance of these obligations will require their construction." Third, the city is therefore obligated to construct a transmission line. The fourth obligation is to generate electrical energy for all of the allottees, and I refer the Chair to section 10-d of the contract.

Inasmuch as the Southern California Edison Co. owns in its own name property valued at in excess of \$300,000,000, and inasmuch as it has liquid assets of \$10,000,000 it must be concluded that this contract is within the meaning of the law; that it can be enforced, and that in the event of default the United States will have recourse against values sufficient to meet damages.

But with respect to the city the query arises, What is the obligation in terms of dollars? First, on the completion of the dam, according to the Attorney General, it must have constructed a transmission dam at the cost of \$30,000,000, exclusive of interest—page 978 of the hearings. Second, it must have paid the first annual rental, which amounts to between \$1,700,000 and \$2,500,000, and I refer the Chair to the hearings on page 972, in which it is stated that the cost to the city will be \$12,000,000 plus interest at 4 per cent compounded, plus interest at 4 per cent. The total, therefore, which the city must pay at the expiration of eight years, which is the period within which it is estimated the dam will be constructed, is a minimum of \$31,700,000. Thereafter it must pay, first, throughout the first nine years \$1,700,000 annually; and, second, \$2,427,070 every year for 50 years for services to be rendered, namely, the use of falling water.

The next query that arises, Mr. Chairman, is to what extent, if any, is the city bound. I might refer the Chair to the provisions of the charter to prove the point, but it is not necessary inasmuch as the Attorney General himself has determined the question, and I refer the Chair to the opinion of the Attorney General in which he says that the contract for lease of power privilege between the United States and the city of Los Angeles and its water and power department and the Edison Co. is "in my opinion a valid contract, binding upon the city and its department to the extent to which funds are available under the provisions of the charter to the department."

Mr. SWING. Will the gentleman read the next words?

Mr. DOUGLAS of Arizona. I am coming to them.

Mr. SWING. Put them in there.

Mr. DOUGLAS of Arizona. The question then arises if the city is bound only to the extent of the department, how can the department meet the obligation? The department owns no property, and I refer the Chair to section 423 of the charter of the city of Los Angeles. The resources of the department are limited entirely to its earnings, and I refer the Chair to the opinion of the Attorney General on pages 7 and 8 in which he concludes that—

Inasmuch as the department of water and power is not authorized to levy taxes, it is apparent that its resources are limited to its earnings from the sale or use of water and of electrical energy.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield there?

Mr. DOUGLAS of Arizona. I regret I can not. I have a very limited time. I will yield if you can obtain for me more time.

Mr. Chairman, I again refer the Chair to the language of opinion of the Attorney General, in which he says, in effect, speaking of the contract—

It is valid only to the extent to which funds are available to the department under the charter.

The department had available cash on hand—its only assets, for it has no property—\$1,996,000. Its construction funds can not be used for meeting the obligations and amounts required by the provisions of the contract. (Hearings, pp. 1196-1199; audit by Price Waterhouse & Co.)

Mr. WOOD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WOOD. The point of order is that the gentleman is talking about things that have nothing whatever to do with the point of order.

Mr. DOUGLAS of Arizona. I was allowed 10 minutes, and gentlemen have taken 3 minutes by their objections.

Mr. WOOD. The thing I am objecting to is that the gentleman has not been speaking more than one-fifth of the time on the point of order but on the merits of this item.

Mr. OLIVER of Alabama. Mr. Chairman, I think those who have followed this matter differ widely from the gentleman from Indiana [Mr. Wood] as to the pertinency of this argument. Instead of the gentleman from Arizona not speaking to the point of order, I think he has said nothing that is not pertinent and relevant to the point of order.

The CHAIRMAN. The Chair is anxious that the discussion be concluded as speedily as possible and would ask the gentleman from Arizona if he has not practically finished.

Mr. DOUGLAS of Arizona. Mr. Chairman, 8 minutes ago I was permitted 10 minutes to finish. A considerable part of that time has been taken up by interruptions.

The CHAIRMAN. If the gentleman is satisfied, the Chair will listen for two minutes.

Mr. DOUGLAS of Arizona. May I have the time that was taken up by others in interruptions?

The CHAIRMAN. The gentleman will conclude as speedily as he can.

Mr. DOUGLAS of Arizona. It follows, Mr. Chairman, that the power and water department of the city of Los Angeles owns no property, that its only assets are its cash on hand and whatever future earnings it may have at the time it must meet the obligations sought to be imposed.

The Secretary of the Interior at one time thought the accumulated earnings would be sufficient to meet the obligation.

I desire to call the attention of the Chair to the fact that the department has not agreed to accumulate funds, and I refer the Chair to the contract. I call the attention of the Chair to sections 83 and 369 of the charter of the city of Los Angeles and the opinion of the Attorney General, in which it will be found that the city and the department are prohibited from binding themselves to accumulate in future until prior assent of two-thirds of the voters has been had.

Again, I call the attention of the Chair to the opinion of the Attorney General on page 11, in which he says:

Therefore, the only effect of section 369 is to require an appropriation in each annual budget.

So that it is clear that the department can not bind itself to accumulate, and therefore it is entirely optional with the power and water department whether it will attempt to accumulate whatever earnings it may have in order that its accumulated earnings may be sufficient to meet even a part of its obligations.

But if it elected to accumulate its earnings, it could not in any event accumulate more than \$15,000,000 to meet obligations which amount to a minimum of \$31,700,000. Therefore, Mr. Chairman, it follows that the contention of the Secretary of the Interior and the advocates of this appropriation can not, on the facts presented by the Secretary to the Committee on Appropriations, be sustained. Consequently, Mr. Chairman, it follows that because the department is and will be incapable of meeting its obligations, and because the city is bound only to the extent that the department is bound, the city will be unable to meet its obligations under the contract, and that therefore the contract is not within the meaning of the law.

I have two points left to which I wish to call attention. The first is that the Secretary of the Interior, having entertained some doubt about this contract, submitted it to the Attorney General for his opinion. The Attorney General replied in effect that if the Secretary thinks the city, through its department, will have the money, then the obligations will be paid. The Attorney General concluded that the contract would provide revenues if the Secretary thought they would—surely a beautiful circle. The Attorney General, in his opinion, supports every point of law urged here this afternoon, but bases the validity of the contract solely upon the opinion of the Secretary.

And, second, I desire to call the attention of the Chair to page 1001 of the hearings, in which the Secretary was asked by Mr. BYRNS, of Tennessee, the following question:

Mr. BYRNS. I am talking about the legal liability of the city of Los Angeles. If it does not, as in the opinion of Judge Matthews it does not, carry with it full, complete, legal liability upon the part of the city of Los Angeles to see that this contract with the Government is carried out, would you say that this contract ought to be accepted?

Secretary WILBUR. My idea is that the city should be liable in case there is a breach of the contract.

The Secretary himself, therefore, believes that the city should be liable, which the Attorney General concludes is not the case.

Therefore if there is any default and the water and power department has not accumulated the money, the United States will have no recourse whatever against what the gentleman from California calls "one of the wealthiest cities in the United



States." The result will be that there will be a great dam out in the middle of the desert from which no revenue will flow unless subsequently Congress appropriates \$50,000,000 for a transmission line.

I submit, Mr. Chairman, that the conditions not having been met, there is therefore no authorization for this appropriation, and that the point of order must be sustained. [Applause.]

The CHAIRMAN. The Chair will state before any other argument is commenced that the gentleman from Arizona [Mr. DOUGLAS] very kindly and entirely in accordance with the wishes of the Chair submitted his brief to him some days ago. The Chair has therefore been advised of the situation, and the Chair believes that he is ready to rule unless there is some one else in support of the point of order who desires to be heard.

The point of order is that this appropriation violates Rule XXI, clause 2 of the Rules of the House, reading as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

There is no claim that the present appropriation comes within the last clause of the rule which has just been read. The claim is that there is no authorization in existing law under which this appropriation can be made.

The Boulder Canyon project act approved December 21, 1928, contains the following section 3:

There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such sums of money as may be necessary to carry out the purposes of this act, not exceeding in the aggregate \$165,000,000.

There is no claim that that authorization, standing alone, would not cover every item contained in the appropriation now pending before the committee. The claim is, however, that the authorization granted in section 3 is modified and controlled by the following provision in paragraph (b) of section 4, namely:

Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States, and the repayment, within 50 years from the date of the completion of said works, of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with the interest thereon, made reimbursable under this act.

The pertinent question before the Chair, therefore, is the construction of that proviso in the Boulder Canyon project act contained in paragraph (b) of section 4. It is a most unusual provision. The gentleman from Arizona [Mr. DOUGLAS] argues that it is a prohibition against the power of Congress to make any appropriation unless certain conditions precedent have been complied with. A pertinent inquiry becomes: What is the condition precedent before an appropriation may be made? The gentleman contends that the various contracts must have been properly made within the meaning and according to the conditions of the act, and that the chairman presiding in the Committee of the Whole House on the state of the Union has the duty to determine for himself and to rule upon the question whether those contracts have properly been made, whether they are in legal force and effect, and whether they have in general complied with the terms of the law.

The Chair thinks that the language of paragraph (b), section 4, must be construed, viewing it in its entirety, as creating a condition precedent to the effect that the Secretary of the Interior shall have made provision for revenues, by contract, in accordance with the provisions of the act, adequate, in his judgment to insure the payment of all expenses of operation, and so forth.

The question then is: How is compliance of the Secretary of the Interior with that condition precedent to be evidenced? How is his compliance with that condition to be brought to the attention of the Congress and of the presiding officer of the Committee of the Whole House?

We have a budget law under which the President sends estimates of appropriations, and in which he sets forth the grounds upon which he bases a suggestion or an estimate for an appropriation. The President of the United States, in compliance with the budget law, on the 1st of May, 1930, sent a communication to the Speaker of the House, and this is a public document, brought to the attention of the House officially, in which he transmits, for the consideration of the Congress, a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1930, to remain available until expended, for the items contained in the appropriation now in question. With his own letter the President submitted a com-

munication from the Bureau of the Budget. The Director of the Bureau of the Budget made this statement in his communication to the President:

The purpose of this estimate is to provide funds for the commencement of construction work on the Boulder Canyon project authorized by act of December 21, 1928. The Secretary of the Interior advises that, as required by the act, contracts have been secured which will provide revenues adequate in his judgment to pay operation and maintenance costs, and to insure the repayment to the United States within 50 years from date of completion of the dam, power plant, and related works, of all amounts to be advanced for the construction of such works, together with the interest thereon made reimbursable by the act.

In other words, the Director of the Budget advised the President and the President advised Congress that the Secretary of the Interior has advised or certified to the Director of the Budget that he has complied with the conditions precedent set forth in section 4, paragraph b of the Boulder Canyon project act.

It is argued that it is the duty of the Chairman of the Committee of the Whole House on the state of the Union to go back of the report by the Secretary of the Interior that he has complied with the conditions precedent for the appropriation. The Chair does not think the Boulder Canyon project act makes that requirement of the Committee of the Whole or of its chairman. The Chair thinks that the Appropriations Committee, in the first place, the Committee of the Whole, in the second place, and the House, in the third place, under the law, would have full authority to rest its appropriation upon the report from the Secretary of the Interior that he has complied with the conditions precedent for the appropriation. However, it is perfectly proper for the Committee on Appropriations in this case, as in other cases, to ascertain for itself whether the Congress should make the appropriation, notwithstanding the fact that the conditions precedent may have been complied with. It is perfectly proper for the Committee of the Whole House on the state of the Union to make a similar inquiry and for the House itself to make such an inquiry. When that is done the discussion by the gentleman from Arizona with reference to the contracts will be pertinent, and the Chair was disposed to permit the gentleman to complete his argument—although the Chair held the view then which he holds now—in the hope that the presentation of the matter at that time would obviate further discussion of that subject matter.

The Chair will state that the gentleman from Arizona has worked out and presented a very able and a very ingenious argument upon his point of order and the Chair will not say his position is entirely without merit, but the Chair has, after much consideration, not only during the presentation of his point of order by the gentleman from Arizona but prior to this discussion to-day, reached the conclusion that the point of order is not well taken and it is therefore overruled.

Mr. DOUGLAS of Arizona. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DOUGLAS of Arizona: Page 32, line 17, after the word "act," insert: "And provided further, That no part of the amount hereby appropriated shall be expended until the city of Los Angeles and the Metropolitan Water District at a duly authorized election shall have obtained the assent of their respective electors, as required by the constitution and statutes of California, to the sale of bonds in sufficient amount to enable them to construct the facilities with which the power and water may be utilized and to the obligations and liabilities with respect to the purchase of water for all purposes, including that of generating electrical energy and rental of generating equipment."

Mr. WOOD. Mr. Chairman, I make a point of order against the amendment. My point of order is that it is a change of existing law and it is placing upon the Secretary of the Interior a duty in addition to the obligation that is placed upon him by the organic act and that it is new legislation.

Mr. DOUGLAS of Arizona. Mr. Chairman, I take the position that the amendment offered is not, as a matter of fact, new legislation, but is simply a limitation imposed upon the appropriation authorized. The Chair has held many times that limitations are not and do not constitute new legislation. As I interpret the amendment offered there is nothing new by way of legislation in its language; it is simply a limitation imposed upon the expenditure of the money appropriated.

The basic act provides that contracts shall be let to responsible parties who will pay the price, section 5 (c).

Further, in section 5 (c), there is a proviso with respect to the voting of bonds by political subdivision. There is then no addi-



tional obligation imposed upon the Secretary of the Interior. There is no obligation imposed upon him which is not already in the enabling act; namely, that he must determine the financial responsibility of the parties with whom he is to contract.

Mr. LAGUARDIA. Will the gentleman yield there?

Mr. DOUGLAS of Arizona. Yes.

Mr. LAGUARDIA. Is there anything in existing law that requires the holding of an election in the city of Los Angeles to pass upon the issuance of the bonds?

Mr. DOUGLAS of Arizona. There is a requirement in existing law which provides, by inference, that where political subdivisions have not the necessary funds to construct the facility with which it may utilize the water or the power contracted for, then the Secretary of the Interior must give it sufficient time, within his discretion, in which to vote the bonds.

Mr. LAGUARDIA. That is clearly discretionary.

Mr. DOUGLAS of Arizona. This imposes no additional obligation upon the Secretary.

Mr. LAGUARDIA. This adds one more condition to the law under which we are now appropriating, and you specify that an election shall be held. You not only specify that an election shall be held, but you go so far as to provide in the amendment, under the guise of a limitation, what should be done at that election. Surely that is legislation in every sense of the word.

Mr. CRAMTON. Mr. Chairman, if the gentleman will yield, of course, under the gentleman's theory, which he has just presented to the Chair on the point of order, there is legislative authority to support some of his amendment, but that theory has been overruled by the Chairman, and I take it the Chair is not yet ready to reverse himself.

Mr. DOUGLAS of Arizona. The question here was not determined by the Chair. There was no statement on the face of the documents to which the Chair referred in rendering his decision with respect to whether bonds had or had not been voted.

Mr. CRAMTON. But the gentleman's argument was all on the theory that certain things must be shown with reference to the making of a contract by the city of Los Angeles. The gentleman was attempting to add new requirements to what the law had provided and the Chair declined to follow him in that theory. I take it the Chair is not yet ready to reverse himself.

Mr. DOUGLAS of Arizona. I take it that the gentleman is arguing in a beautiful circle.

The CHAIRMAN. The Chair is ready to rule.

The proposed amendment reads as follows:

*And provided further, That no part of the amount hereby appropriated shall be expended until the city of Los Angeles and the Metropolitan Water District at a duly authorized election shall have obtained the assent of their respective electors, as required by the constitution and statutes of California, to the sale of bonds in sufficient amount to enable them to construct the facilities with which the power and water may be utilized, and to the obligations and liabilities with respect to the purchase of water for all purposes, including that of generating electrical energy and rental of generating equipment.*

The Chair does not think the provisions of this limitation have any relation, so far as the parliamentary question is concerned, to the powers given the Secretary of the Interior in the substantive law.

The Chair, personally, has frequently been out of harmony with the trend of decisions on the subject of limitations. The Chair has thought that the precedents of the House go too far in sustaining limitations; but this is only, after all, a limitation upon the present appropriation—"no part of the amount hereby appropriated shall be expended" until certain things have been done—entirely without reference to existing law. It imposes a condition of its own with reference to the expenditure of the instant appropriation.

The Chair has at hand a couple of precedents. On February 5, 1916—Cannon's Precedents, section 8646—when the Indian appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, Mr. HARRISON, of Mississippi, offered an amendment to an amendment, and the amendment to which this amendment was offered related to the payment of money out of the Treasury for the benefit of certain Indians. The amendment of Mr. HARRISON read as follows:

*Provided, however, That the provisions of this paragraph with respect to the Choctaw Tribe shall not be operative until the Court of Claims shall determine the rights of the Mississippi Choctaws, who have been identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1889—*

And so forth. Mr. Martin D. Foster, of Illinois, overruled a point of order and held the amendment to be a proper limitation upon the appropriation.

On another occasion, which the present occupant of the chair well remembers—Cannon's Precedents, section 8755—the gentleman from Texas [Mr. CONNALLY] offered a proviso or an amendment to an appropriation in a naval appropriation bill reading as follows:

*No part of this money shall be expended until the President of the United States shall have invited the governments of all nations to send accredited delegates to an international convention to be held in the United States to consider ways and means of bringing about a joint disarmament.*

A point of order was submitted by the gentleman from Wyoming, Mr. Mondell, and the question was decided by Mr. Joseph Walsh, of Massachusetts, as chairman of the Committee of the Whole, whom many of us will remember as a very able parliamentarian. Mr. Walsh said:

The amendment which is offered, in the view of the Chair, is a limitation upon the appropriation and withholds or denies the expenditure until the President shall have called a conference, which under a fair interpretation of the naval bill of 1916, he is authorized to do, and while it is very close to being a directory provision in the law, the Chair is of the opinion now, as he was on a former occasion, that it is within his power and overrules the point of order.

The Chair thinks the amendment of the gentleman from Arizona [Mr. DOUGLAS] is, within the precedents of the House, a limitation upon an appropriation, and overrules the point of order.

Mr. CRAMTON. Mr. Chairman—

The CHAIRMAN. The Chair is willing to hear what the gentleman has to say.

Mr. CRAMTON. The Chair having so promptly stated, he was ready to rule, without any argument on our side of the question, we thought that perhaps any argument was unnecessary.

I feel sure that if the Chair will consider this a little more closely, he will see that it goes beyond what can be properly considered a limitation. The amendment provides that—

*No part of the money appropriated shall be expended until the city of Los Angeles and the Metropolitan Water District at a duly authorized election shall have obtained the assent of their respective electors.*

There is the requirement that an election shall be held. The law does not require that any election be held before the money is appropriated or expended. This requires an election to be held before the money is expended.

More than that, the language of the amendment is such that I am sure the chairman would have given consideration to it—what kind of an election can be held which the city of Los Angeles and the Metropolitan Water District shall jointly take part in? This amendment has to do with an election, "a duly authorized election," at which the electors will authorize two entities—the city of Los Angeles and the Metropolitan Water District shall be joined—

The assent of the electors as required by the statutes and constitution of the State of California.

What business has Congress in an appropriation bill to declare what the constitution and statutes of California require?

The CHAIRMAN. The Chair will call the attention of the gentleman from Michigan to the well-established foundation for this rule. It has, time after time, been said in passing upon a question of limitation that the House has complete authority to refuse to make an appropriation—

Mr. CRAMTON. Absolutely; there is no question about that. The House may go so far as to say that the use of an appropriation is dependent upon some certain facts, but this goes further and requires the happening of an event which can never happen. There never can be a joint election held by these two entities.

Further than that it goes on and says that the constitution and statutes of California require that the city of Los Angeles and Metropolitan Water District shall obtain the assent of their respective electors. How do we know, why should Congress say what the statutes of California require? These are things outside of the opinion which the Chair just started to render. I am emphasizing the fact that it goes far beyond the limit. It restricts the discretion fixed in the Secretary of the Interior by the Boulder Dam act—fixes certain requirements that would bind the Secretary of the Interior. Boulder Dam act left certain things to his discretion. The main purpose of the amendment is to take away that discretion. Even beyond that, even if it were in order to take away the discretion, certainly it can not be in order to declare here what the statutes and the constitution of California require as to the assent of electors of Los Angeles.



Mr. SWING. Mr. Chairman, may I make one observation. This rule, I assume, is the Holman rule, a limitation on the appropriation.

The CHAIRMAN. It is not the Holman rule; it is a limitation on an appropriation bill.

Mr. SWING. I submit that the amendment requires the city of Los Angeles to vote upon building a transmission line, which is no part of the Boulder Dam project, and which is no part of the contract between the Federal Government and the city of Los Angeles.

I call the attention of the Chair to the fact that that is the declaration of the Attorney General in his opinion to the Secretary of the Interior on that very point, wherein he says that the city, acting through its department of water and power, will be under the necessity to construct transmission lines over which the power for which it has agreed to pay may be transmitted; but in so far as the parties to this contract are concerned, it is under no obligation to do so.

The CHAIRMAN. The Chair has much sympathy with the view that the precedents of the House go far in the matter of sustaining limitations, but if the House chooses in making an appropriation to impose an impossible condition, a condition impossible in law, impossible in fact, impossible of fulfillment in any way, the Chair thinks that the precedents of the House hold that such a limitation may be made upon the specific appropriation.

Mr. CRAMTON. Mr. Chairman, let me call the attention of the Chair to one decision, and then I am through. I refer to the House Manual, page 366:

In construing a proposed limitation, if the Chair finds the purpose to be legislative, in that the intent is to restrict executive discretion to a degree that may be fairly termed a change in policy rather than a matter of administrative detail, he should sustain the point of order.

That was rendered by Chairman LUCE on January 8, 1925.

The CHAIRMAN. The Chair is familiar with that line of cases.

Mr. CRAMTON. That describes this situation.

The CHAIRMAN. They refer to cases which affect the duty of officers of the Federal Government, where it is sought to change existing law with reference to the power, or the duty or the authority of a Federal officer by imposing a limitation which would compel him to execute the law or perform his functions in a particular way. The Chair would not construe the pending amendment as one changing in any way the duties of the Secretary of the Interior. It does not affect the duties of the Secretary of the Interior, but simply says that before any part of the appropriation can be used, a certain state of facts shall exist.

Mr. STAFFORD rose.

The CHAIRMAN. The Chair would be very glad to hear the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, the only thought that I have in mind is this—I am in sympathy with the older decisions of the presiding officers just referred to by the gentleman from Michigan [Mr. CRAMTON]. Those decisions were consonant with the idea that a limitation could not invade the discretion of an executive officer, nor can there be a limitation on an appropriation bill that in its effect is new legislation.

This amendment in effect is new legislation in that it prescribes a new condition which does not exist in the present law. It violates the existing Boulder Dam act in that it prescribes the legislation under which this appropriation may be voted, whereas under the Boulder Dam act there are limitations prescribed by which that appropriation can be made and only those limitations. The House is now attempting under this limitation to accomplish by indirection something it can not accomplish by direction, which is legislating. If we want to carry the law of limitations on appropriations to the extreme that you legislate, then of course the Chair will sustain any and every thing. The amendment under consideration is legislation in its direct effect, and nothing else. There is nothing in the existing Boulder Dam act which says that the appropriations for the carrying out of that authorization shall be subject to the electorate of Los Angeles. The conditions on which those contracts shall be made and the appropriations had are fixed and stated in the law. In this amendment you are changing that law. Then, in an appropriation bill, in the form of a limitation, you might change any existing law, if the provisional ruling is adhered to. There will be no end to appropriation-bill legislation, under the specious guise of limitation. In my opinion this is legislation, Mr. Chairman.

Mr. LaGUARDIA. Mr. Chairman, it goes farther than changing existing law. Under an existing law a contract has been entered into between the United States and a certain city. If the provisions contained in the amendment now under

consideration were enacted, it would then destroy the terms of that contract and impose new conditions, to wit, the holding of certain elections in accordance with the terms contained in the amendment itself. This amendment is not analogous to the cases cited by the chairman where an appropriation was limited awaiting a decision of the Court of Claims. There something was existing, something that had to happen. Nor that of an appropriation for naval construction should not be made unless a naval limitation conference was called by the President. The conference could be called by the President, but here you have not only an existing law as suggested by the gentleman from Wisconsin, but a contract already entered into, all under that law, between the Government and the city of Los Angeles. This not only changes the laws, but changes the terms of an existing contract.

Mr. DOUGLAS of Arizona. Mr. Chairman, the amendment as offered should read, if it does not, in the Chair's copy "at duly authorized elections" rather than at an election. That refers to the argument made by the gentleman from Michigan [Mr. CRAMTON]. It is not pertinent to the point of order.

So far as the argument of the gentleman from New York [Mr. LaGUARDIA] is concerned, that this amendment would nullify or require amendment to contracts already negotiated, I call the Chair's attention to the fact that nothing of the sort would be the result of this amendment. This amendment would simply give the United States a guaranty which should have been required, and will not affect the contracts. Further, Mr. Chairman, it is a limitation for only a year and imposes no additional obligation upon the Secretary whatsoever.

The CHAIRMAN. The Chair will state that the Hon. Frederick C. Hicks, of New York, on January 6, 1923, within the memory of the present occupant of the chair (Cannon's Precedents, sec. 8744), rendered a very exhaustive opinion on the subject of the inclusion of a limitation in an appropriation bill. At that time he had the collaboration of the Speaker of the House and of the leading parliamentarians in the House. In the course of that decision Mr. Hicks said:

Without endeavoring to lay down any hard and fast rule, the Chair feels that the following tests may be helpful in deciding a question of order directed against a limitation, first having determined the powers granted or the duties imposed by existing laws:

Does the limitation apply solely to the appropriation under consideration?

In this case, of course, it does. I quote further:

Does it operate beyond the fiscal year for which the appropriation is made?

In this case it does not. I quote again:

Is the limitation accompanied or coupled with a phrase applying to official functions; and if so, does the phrase give affirmative directions in fact or in effect, although not in form?

It gives no directions here as to official functions. It does not even change the duty of the Secretary of the Interior. Again, I quote:

Is it accompanied by a phrase which might be construed to impose additional duties or permit an official to assume an intent to change existing law?

Clearly, the amendment does not attempt to do that. Quoting again:

Does the limitation curtail or extend, modify or alter existing powers or duties, or terminate old or confer new ones? If it does, then it must be conceded that legislation is involved, for without legislation these results could not be accomplished.

The pending amendment does not offend against this test.

Chairman Hicks concluded by saying:

If the limitation will not fairly stand these tests, then the point of order should be sustained.

Mr. DOWELL. What is that citation that the Chair has read as controlling in this case? Does not the amendment change existing law, and therefore does it not come within the rule that the Chair has just read?

The CHAIRMAN. If the Chair thought the question pertinent, the Chair might suggest that the amendment itself is at least in harmony with the theory of the existing Boulder Dam project act. But the Chair does not think that is a pertinent question. It is a limitation only upon, and it relates only to, the appropriation in this bill for a single year, and it does not operate beyond this fiscal year or change the duties of any officer of the United States, or impose any new duties upon any officer, but simply lays down a limitation that no part of the money shall be used unless and until a certain state of facts exists.



Very reluctantly, because of the Chair's own views, but in view of the precedents of the House, the Chair overrules the point of order.

The question is on agreeing to the amendment.

Mr. OLIVER of Alabama. Mr. Chairman, it matters not how widely you may differ from the gentleman from Arizona [Mr. DOUGLAS], and I often differ with him, yet I think the Members of the House who on many occasions have listened to him will concur in this statement that no Member presents his views in a clearer, abler, more logical, and more courteous manner than does he, and I confess when one listens to his arguments he finds himself very much in the attitude of Agrippa when he exclaimed, "Almost thou persuadest me." [Applause.]

Now, with reference to the wisdom of imposing a limitation like this amendment seeks to do. If Members of the House have read in the hearings on this bill the searching inquiries and pungent comments by the gentleman from Michigan [Mr. CRAMTON], the gentleman from Indiana [Mr. WOOD], and the gentleman from Tennessee [Mr. BYANS], you must have been impressed with the fact that these contracts which the Secretary of the Interior feels give promise of a money return sufficient to refund to the Federal Government all sums expended in the building of Boulder Dam, are contracts resting largely on mere faith and confidence as to what may be done or what may happen between now and the completion of the Boulder Dam project. The Secretary assumes that present estimated net earnings of one of the lessees, with no assets other than its earnings, will continue for the next eight years and that all moral obligations and promises will be faithfully kept.

I doubt whether any unbiased reader of the hearings on this bill will conclude, after mature reflection, that the contracts on which the Secretary bases his judgment of money returns are so drawn that they constitute absolute enforceable contracts, but, rather, I think you will find they fall in the class of "possible voidable contracts"; voidable in the sense that contingencies may arise or happen before or when the Government shall have completed its construction of Boulder Dam, where what now seems to give promise of money returns, in the judgment of the Secretary of the Interior sufficient to cover all obligations assumed, will be unenforceable until and unless the city of Los Angeles shall take the necessary steps to meet certain statutory and constitutional requirements; and why?

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. CRAMTON. The gentleman has mentioned me. Permit me to assert that in the hearings I endeavored to develop the facts without fear or favor, in order to determine whether the law was being complied with. I was impressed in the development of those facts with the conviction that the Secretary of the Interior, in very, very difficult circumstances, has succeeded remarkably well, on the one hand being obliged to negotiate a contract that would in 50 years return the cost, and on the other hand being required to hold open for any future demand power desired by the two States—Nevada and Arizona.

On the one hand, requiring a rigid contract, and on the other hand requiring to hold something open, an entire uncertainty, so that when the Secretary reported that he had contracts which, in his opinion, through the sale of 64 per cent of the power, would repay the cost, and then had, as a margin of safety another contract for 36 per cent of the power, I was fully satisfied that he had performed his duty as well as was humanly possible.

Mr. OLIVER of Alabama. I think the gentleman accurately quotes what he may have said at some time during the hearings. He has not, however, I submit to him in his statement just made, quoted to the House all that he said questioning the sufficiency of the contracts made by the Secretary. I ask, Mr. Chairman, that I may be permitted to select from the hearings some questions asked and comments made by the gentleman from Michigan, the gentleman from Indiana, and the gentleman from Tennessee, and insert them later under extension of remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask that I may proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. WOOD. Mr. Chairman, reserving the right to object, I suggest that five minutes should be sufficient.

Mr. OLIVER of Alabama. I have given most of my time to questions, and I will likely have to yield for further questions, since I have no desire to place my views before the House

without permitting those who may differ with me from asking pertinent questions.

Mr. WOOD. Mr. Chairman, may we not agree upon a limitation of time for this amendment and all amendments to the paragraph?

Mr. OLIVER of Alabama. Well, I am asking for only 10 minutes.

Mr. WOOD. I do not intend to object, but let us agree now. Mr. OLIVER of Alabama. May I finish? And then the gentleman can make his request.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. ARENTZ. Reserving the right to object, Mr. Chairman, I would like to direct a question to the gentleman.

The CHAIRMAN. There can be no continuation of debate unless the gentleman from Alabama is permitted to continue after the expiration of five minutes.

Is there objection to the request of the gentleman from Alabama to proceed for 10 additional minutes?

There was no objection.

Mr. CRAMTON. Will the gentleman yield for a short observation?

Mr. OLIVER of Alabama. I will yield for a question.

Mr. CRAMTON. I trust in the quotations which the gentleman inserts he will differentiate between my statements before the contract was amended and after.

Mr. ARENTZ. That is the thing I wanted to refer to.

Mr. OLIVER of Alabama. I shall certainly endeavor to do no injustice to any member of the committee, because I recognize that the members of the subcommittee who conducted the hearings deserve the thanks of the House for the very thorough way in which they wrote into the hearings everything they felt was pertinent and informing and which might help the House in its deliberations. I commend the committee for having conducted perhaps one of the most thorough and complete hearings with reference to Boulder Dam that it has been my pleasure to read on any important subject. It is full of information.

I do not call attention to the comments and questions by the committee for the purpose of doing any injustice to members of the committee but simply to show that those gentlemen talking over the table to the Secretary and his advisers felt some hesitancy and expressed doubts as to the legal efficacy of the contracts to accomplish the purpose the Secretary had in mind.

Without in any way intending to reflect upon the Secretary, since it is but a human element I call attention to and such as one might refer to before a jury, permit me to say the Secretary was in an embarrassing position. Here was a matter that California was deeply interested in, and you had conferred on him very plenary powers, involving judgment and discretion. He is a Californian. The President is a Californian. The head of the Reclamation Service, who was also to be consulted, is a Californian. The assistant to the head of the Reclamation Service is a Californian. The gentleman selected to solicit the necessary contracts is a Californian. The Assistant Secretary of the Interior is a Californian.

I submit then that when we come to determine for the Nation the efficiency of a contract or contracts drawn by friends, who may perchance unconsciously lend too great faith, too great force to promises of Californians, it behooves Congress to be careful, and I submit that while to some of you the proposed limitation may seem to be stronger than you now wish to impose, you will find, I venture to predict, before you have finished making appropriations for Boulder Dam that you will require exactly what this limitation seeks now to do. You may postpone it; you will not omit it. Why? Because if you will read the opinion of the Attorney General you will find that this contract, on which the Secretary of the Interior bases his estimate of returns sufficient to compensate the Government for all moneys appropriated is largely dependent on the contract of an agency of the city of Los Angeles, namely, its water and power bureau, whose only assets are receipts from the sale of water and power, and which agency now has a bonded indebtedness, I am informed, of about \$78,000,000, and whose properties in the way of tangible effects are vested in the city and not subject to its debts. There is no obligation under any of these contracts, binding at present on the city of Los Angeles, by which you could compel the city of Los Angeles, when you complete Boulder Dam, to build the transmission line. Yet the transmission line is the key to every contract that the Government has made or may make, if the obligations of the lessees are to be kept.

I wish to invite your careful reading of that very able statement made by the gentleman from Kansas [Mr. AYRES], a member of the committee, appearing in Wednesday's RECORD, who



like myself voted for this project and who like me wants to push it forward, believing it will serve in a helpful way a great public purpose.

Yet, friendly as we are to the project and to the supplying of funds to begin its construction, there are sound business considerations and legal reasons which you can not ignore, and which impair and make doubtful the contracts that have been obtained and on which the Secretary of the Interior—perfectly honestly, I grant—bases his hope and expectations that sufficient funds will be realized to retire all of the expenditures which the Federal Government may make.

When you come to deal with a sovereign—and you are dealing with a sovereign when you deal with the city of Los Angeles—you must bear in mind the limitations that its over sovereign, the State of California, has imposed upon it. You will find that the gentleman from Arizona, whether you now agree with him or not, has correctly cited limitations imposed by the constitution, and statutes of California on the city of Los Angeles, which must be met and complied with before any enforceable contract can be entered into, binding the city to provide funds for the building of the necessary transmission lines as contemplated.

I know the representatives from California acted in good faith when they stated to the committee that the city of Los Angeles will take the steps necessary to provide funds for the construction of the transmission lines, but the Government has the right and it is our duty to require that every legal step be taken to secure an absolute enforceable contract.

Let me here quote a very apropos comment by the gentleman from Indiana [Mr. Wood], appearing in the hearings in connection with these contracts, when he said:

There is many a person who would give anything he had in the world for a good-filled larder, but after he gets it he is not so anxious to pay for it.

Mr. LEA. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. LEA. Does the gentleman know of any method under this contract by which the city of Los Angeles can secure the power and the water without paying for it?

Mr. OLIVER of Alabama. The trouble about it is this: That when the Government builds this dam and is prepared to deliver to the lessee the power it has agreed to take it will prove of no avail unless the city has constructed at that time the transmission line which the contract contemplates it will build. If the Government should find itself in that condition, I invite the gentleman as a California lawyer to tell the House what rights and remedies the Government would have to enforce this contract against the city of Los Angeles. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. WOOD. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. SWING. Mr. Chairman, this amendment compels the city of Los Angeles to hold a bond election for the purpose of building a transmission line from Los Angeles to Boulder Dam, which line is not included in the contract between the Government and the city of Los Angeles and for which the city of Los Angeles may not desire to issue bonds, but it may, and I think it will, desire to construct the transmission line out of the revenues of the bureau of light and power.

This amendment does not in any particular add to the legality of the contracts. It does not in any particular relate to the contracts. It is not proposed that the contracts shall be voted upon, approved, or ratified. It is merely substituting the judgment of Congress for that of the city as to how Los Angeles shall manage its own business, particularly its fiscal and power business. What right or necessity is there for us to do that?

The Secretary of the Interior in appearing before the Appropriations Committee made it definite and certain that in his opinion the bureau of light and power would have ample means not only to pay the Government for the power but also to pay for the machinery and also to pay for the transmission lines. The financial sufficiency of these contracts have been passed on and approved not only by the Interior Department but also by the Budget, by the President, and by a majority of the Committee on Appropriations. They have found that the revenues of the city of Los Angeles derived from its power business would be sufficient to meet all of these obligations, both direct and indirect, which the city will have to make in order to avail itself of the Boulder Dam power. The commissioners of the bureau of light and power have likewise found that their revenues will be sufficient to meet these obligations, and the city council of the city of Los Angeles has found that the current revenues will be sufficient. Now, in order for the city of Los Angeles to hold a bond election, under the laws of the State of California, the

very first thing the council must record in its minutes is a finding of fact to the effect that the revenues of the city and of the bureau of light and power are insufficient to meet the proposed expenditures. This they can not truthfully do.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. SWING. I can not. I have only five minutes.

They have already found to the contrary and the facts are otherwise. They can not truthfully make a finding of fact that the revenues will be insufficient when all the evidence shows that the revenues will be sufficient. Therefore, if this proposal is adopted you have tied up this appropriation to something which can not happen, and which, if it could happen, would not add a single scintilla to the legality or effectiveness of the contract or to the rights of the Government under the existing contracts.

I am going to quickly call your attention to the facts shown on these charts which were prepared by the Interior Department after exhaustive study of the entire situation.

There are three contract agencies now under contract with the Government, the Metropolitan Water District, the city, and the company. Assuming, as shown on chart 1, that only two of these agencies go through with their contracts and the third one fails entirely, and those two take only firm horsepower, which would be 64 per cent of the entire firm horsepower, those two contracts alone will meet all of the obligations due to the Government under the Boulder Dam act.

This second chart [indicating] shows a sale of 64 per cent of the firm horsepower, plus the secondary power, which is fixed by the Secretary of the Interior at a price of 0.5 of a mill per kilowatt-hour, which is so cheap that no one can produce steam power in competition with it. This shows that two contracts taking 64 per cent of the firm horsepower and the secondary power will meet all of the obligations due the Government in 50 years, including the \$25,000,000 flood-control appropriation. Coming down to this chart showing the sale of the entire electricity, plus the water, all of which is provided for under these contracts, you get a provision whereby the Government gets back all of its money with 4 per cent upon all of it, including the \$25,000,000 allotted to flood control, gives to the States of Arizona and Nevada \$62,000,000, and leaves a surplus besides of \$66,632,000. And after the full and complete repayment to the Government you will still own this great revenue-producing project product by which you will have solved once and for all, the flood-control problem upon the lower Colorado River.

Mr. DOUGLAS of Arizona. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Arizona rise?

Mr. DOUGLAS of Arizona. To submit a unanimous-consent request. By mistake the amendment which was submitted to the Chair contained the language "at a duly authorized election." It should have been "at duly authorized elections," and I ask unanimous consent that the change may be made.

Mr. CRAMTON. Mr. Chairman, I am obliged to object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. Douglas].

The question was taken; and on a division (demanded by Mr. Douglas of Arizona) there were—ayes 29, noes 101.

So the amendment was rejected.

The Clerk read as follows:

#### GEOLOGICAL SURVEY

For a topographic survey of the proposed Mammoth Cave National Park in the State of Kentucky, for expenditure by the Geological Survey under the direction of the Secretary of the Interior, including personal services in the District of Columbia and elsewhere; the computation and adjustment of control data; the office drafting and publication of the resulting maps; the purchase of equipment; and for the securing of such aerial photographs as are needed to make the field surveys, fiscal years 1930 and 1931, \$25,000.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Wood: Page 33, after line 8, insert:

"Any unexpended balance in the appropriation for topographic surveys of the boundaries of the proposed Great Smoky Mountains National Park, N. C., and Tenn., contained in the 'second deficiency act, fiscal year 1929,' is continued and made available for the same purposes during the fiscal year 1931."

The amendment was agreed to.

Mr. WOOD. Mr. Chairman, I offer the following amendment: The Clerk read as follows:

Page 34, after line 17, insert:

"George Washington, birthplace, national monument, Wakefield, Va., for an additional amount for removing the monument marking the



birthplace of George Washington to a new site, including a road around the monument and landscape treatment of said monument site as provided by the act of January 23, 1930, the fiscal years 1930 to 1931, \$15,000."

The amendment was agreed to.

The Clerk read as follows:

To pay the widow of Edward T. Sanford, late an Associate Justice of the Supreme Court of the United States, a sum equal to a year's compensation at the rate received by him at the time of his death, \$20,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I want to ask the gentleman from Indiana what is the policy of Congress as to voting a salary to the widows of the Justices of the Supreme Court? I notice that you provide here compensation for the widow of the late Justice Sanford, but there is no provision for the widow of the late Chief Justice Taft.

Mr. WOOD. I will state that there are four precedents in the last 20 years for this, and the practice is followed only in cases where a special need is shown.

Mr. STAFFORD. Then the policy is to make the appropriation only when there is need for the honorarium?

Mr. WOOD. That is it.

Mr. STAFFORD. That is the reason why the committee has not provided it for the widows of any other Justices—it is only in case of certain circumstances where the widow needs it?

Mr. WOOD. That is correct.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For fees of United States commissioners and other committing magistrates acting under section 1014, Revised Statutes of the United States (U. S. C., title 18, sec. 591), fiscal year 1930, \$50,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I have examined section 591, title 18, and do not find any provision in that paragraph as to the fees the United States commissioners shall receive for committing criminals for trial. Is that a correct reference or is it an inadvertence?

Mr. WOOD. That is the language we have been following in the bill heretofore.

Mr. STAFFORD. I assume that the increase is owing to the large number of violations of the Volstead Act?

Mr. WOOD. A great deal of it; I do not know that all of it is.

Mr. STAFFORD. What is the total amount paid commissioners and committing magistrates for violations of the law?

Mr. WOOD. I have not those figures here. The total appropriation is \$600,000.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Pay of bailiffs, etc.: For bailiffs and criers, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1930, \$40,000.

Mr. SABATH. Mr. Chairman, I move to strike out the last word. I do not desire to detain the House, but I want to call attention to the fact that this deficiency bill carries over \$10,000,000 additional appropriation, all due to prohibition and the Volstead Act.

Mr. Chairman and gentlemen, in the last few minutes, before I had an opportunity to rise, you have appropriated for the superintendents of prisons an additional \$52,000; \$135,000 additional for judges and for United States commissioners, for committee magistrates another \$50,000, for bailiffs and criers, \$40,000, for miscellaneous expenses in the courts \$396,000; and within a few minutes you will vote for and approve approximately additional ten millions for penitentiary and prison camps at Leavenworth and Atlanta and for new jails, including additional pay and appropriation for more judges, more bailiffs, more clerks, more marshals, more commissioners, more magistrates, more district attorneys, more penitentiary guards; yes, for additional jail superintendents and officials; to say nothing about additional tremendous appropriation for the Coast Guard Service for new speed and gun boats, and this is all in addition to the already tremendously large appropriation that has been made early in the session of this Congress. I am satisfied that if all the appropriations made for the fiscal year, or the cost of enforcing the Volstead Act would be computed, it would be found that we have appropriated over one hundred millions for this fiscal year.

Mr. CRAMTON. Will the gentleman yield?

Mr. SABATH. I yield.

Mr. CRAMTON. The gentleman's figures may be correct, but that increase is not all due to prohibition. As a matter of fact,

the increase of prison population by reason of the Dyer Act concerning theft of automobiles has been as great as the increase due to prohibition.

Mr. SABATH. I stand corrected that it is not all due to prohibition. However, I still maintain that about 90 per cent is due to prohibition.

Mr. Chairman, ladies, and gentlemen, a few minutes ago I looked over the appropriation for the Army and the Navy for the following year after I entered Congress and I find that we are appropriating this year more money for enforcing prohibition than we appropriated at that time for the Army or for the Navy. We expended for the Navy in that year about ninety-six millions and for the Army about one hundred and twenty millions; I may have the figures reversed, but those are about the figures, and, as I have stated, the amount that will be expended due to prohibition this year will exceed either of these two amounts.

When the Volstead Act was being enacted the advocates assured the House and the country that the cost of enforcing it could not reach \$1,000,000. It is over one hundred times that amount now, and I repeat that if you will appropriate two hundred or three hundred millions in endeavoring to enforce the prohibition law you can not enforce it, because the great majority of American people are not in sympathy with it—in fact, are opposed to it—and resentment against it grows and increases daily. The man who takes a glass of beer or wine is classed as a criminal. Congress could be charged with criminal extravagance by voting ever-increasing appropriations for prohibition enforcement.

A few months ago, to relieve the tremendous overcrowding of our penitentiary, we have voted over eight millions for new buildings; here again we are voting additional millions for more buildings to provide additional room for those that have been apprehended as criminals because they have made or sold some home-brew or somehow been guilty of minor violations of the Volstead Act. For the professional bootlegger and manipulator you would not need to increase these penitentiaries—very few of them are convicted; it is invariably the small and unfortunate fellow who has no means of securing expensive lawyers.

Mr. Chairman and gentlemen, by increasing the border patrol and Coast Guard Service, prohibition inspectors, agents, and snoopers and increasing the number of judges in every section of the country and by giving judicial powers to commissioners or by approving additional expenditures for jails and penitentiaries you will still not be able to house all those sentenced or convicted without forcing them to sleep four in a cell made for one, in hallways as well as in basements.

Mr. Chairman, within the last few weeks I have read several reports where the State and county and city officials have refused to accept in their jails and workhouses any more Federal prisoners and the reasons they assign are that they are overcrowded and that they can not find additional room.

Mr. Chairman and gentlemen, I think that it is high time that you stop and listen and place your ear to the ground, but, of course, there is none so deaf as he who will not hear nor so blind as he who will not see. It seems to me that you are in that position—you do not wish to see or hear what is transpiring. The prohibition leaders charge that the Literary Digest poll, which shows that the country is overwhelmingly in favor of repeal of the eighteenth amendment or the Volstead Act, was not accurate, but since that time a few elections have been held and the people had an opportunity to vote directly, and if you do not know what the results were, ask the gentleman from New Jersey, Mr. FORD. I am satisfied that what happened in New Jersey will happen in Illinois and in the majority of States where that question will be raised. How many of the Members of Congress, had they known what prohibition would bring about, would have voted for prohibition? Very few indeed. To-day you know the conditions and are not courageous enough to take a firm stand. Though I admire nearly all of you personally, I feel that I will be deprived of the pleasure of serving with many of you who refuse to rectify or right the serious mistake that has been committed. Only this morning I have read where not only the laboring men but physicians, lawyers, business men, and other organizations, in their meetings and conventions, have gone on record demanding the repeal of the prohibition amendment.

If instead of appropriating additional millions, you would listen to reason and repeal the Volstead Act, which Congress has the right to do under the Constitution, and adopt some sane regulatory law, you would do the country a great service, and I repeat that passing laws that make easier and speedier convictions of prohibition violators and by building new jails and penitentiaries to satisfy Bishop Cannon and the prohibitionists you will not relieve the present deplorable condition, and you know it; but I realize the futility of my efforts to convince you,



but time will tell. We are about to adjourn, and you are going home, and you will then realize the situation, as I have every reason to believe that in the November elections, wherever there is a contest and where the people will be permitted to cast their vote according to their convictions, that they will vote for men who will stand for the repeal or at least modification of the prohibition law because they realize that in that way, and in that way only, can they secure action for which they have been clamoring. They are fed up on prohibition—they want to return to sanity, sobriety, law, and order.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last two words. I agree with much that the preceding speaker has stated. If in the future the prohibition fanaticism should increase to such a degree in this country that the Congress adopts the Texas theory of putting the purchaser of a gill of distilled liquor or a bottle of 2.75 home-brew in jail for five years, we will have to appropriate several hundred million dollars to build penitentiaries and provide for additional court machinery and enforcement officers. That idea is advanced in Texas, where the eighteenth amendment was conceived.

I suggest that instead of advocating putting the purchaser of a gill of distilled liquor or a bottle of 2.75 home-brew in jail for terms up to five years, in the name of law enforcement and respect for the Constitution, that those strong advocates of that vicious prohibition legislation, particularly from the State of Texas, the cradle of the eighteenth amendment, advocate legislation along the lines of the Dyer bill, with an amendment providing for antiburning as well as antilynching, so that we might enforce provisions of the Constitution that were incorporated many years before the eighteenth amendment was ever thought of.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. CRAMTON. The gentleman spoke of prohibition fanaticism. It is now a quarter past 5 o'clock and we are trying to pass this appropriation bill before we adjourn to-night. What kind of fanaticism is it that leads men to make wet speeches here in the House at this time of day?

Mr. SCHAFER of Wisconsin. It is not any fanaticism at all. I suppose if some of the devoted disciples of Politician Cannon, who ought to be forced before a committee of this House to testify under oath about his nefarious activities in the last election, should take the floor and expound the Cannon theories of the eighteenth amendment, it would be highly satisfactory to the gentleman from Michigan, who is one of the dry leaders of the House.

Mr. LA GUARDIA. The gentleman might reply to the gentleman from Michigan that that fanaticism is caused by the appropriations for judges and district attorneys and marshals and sheriffs and jails.

Mr. SCHAFER of Wisconsin. Absolutely; and in the debate on the floor of the House on this appropriation bill it is highly proper to take the floor and express our views. I do not take the position that some legislators do on great questions, such as prohibition, that of riding along on both sides of the fence. I sincerely hope that the Judiciary Committee will before this Congress adjourns report out legislation having for its ultimate purpose the modification of and the repeal of the eighteenth amendment and laws enacted thereunder, so that the membership of the House can go on record and send word out to their constituents and the rest of the country how they stand on this important question prior to the forthcoming elections.

Mr. SHAFFER of Virginia. Mr. Chairman, I move to strike out the paragraph. Mr. Chairman, ladies, and gentlemen, for a second time a Virginia citizen has been ambushed here on the floor of the House and stabbed in the back. I want to say that I hold no brief for Bishop Cannon. He did not support me in my campaign, but made speeches against me. I am not here to defend Bishop Cannon. He needs no defender. He can defend himself. However, I believe, as the American people do, in fair play. I admire, as the American people admire, a bold and fearless man. I condemn, as the American people do, cowardice. Say what you will about Bishop Cannon, he is bold and fearless and can take care of himself. Go out in the open, meet him, and strike him from the front.

What was the purpose of the speech of the gentleman from Massachusetts [Mr. TINKHAM] and the speech of the gentleman from Wisconsin [Mr. SCHAFER]? They are a fraud and a deception. They attempt to hide behind the great American principles of separation of church and state, pure and honest elections, and the protection and immunity thrown about Members in this Chamber for the purpose of hitting prohibition in the dark, but the American people will not be deceived. Yes; it is an attempt to persecute a bishop, to cripple the great Southern Methodist Church, and to destroy prohibition.

The gentleman from Massachusetts [Mr. TINKHAM], charged Bishop Cannon with violating the law and with embezzlement. Unless he goes out in the open and repeats those charges he will be condemned in the eyes of all fair-minded American citizens as being unfair, a coward, and a slanderer; and I challenge him to go on the soil of old Virginia and denounce one of her citizens in the open.

The gentleman from Wisconsin saw fit to follow in the footsteps of the gentleman from Massachusetts. However, no one will be deceived by his speech, as it is all done for the one purpose of hurting prohibition and giving to the wet press another opportunity to strike Bishop Cannon and prohibition.

I believe that the assaults of the gentleman from Massachusetts and the gentleman from Wisconsin elevated prohibition and Bishop Cannon in the sober minds of the people of the South.

Mr. Chairman, ladies, and gentlemen, the gentleman from Wisconsin [Mr. SCHAFER] has cited on different occasions certain statistics which he has received from police headquarters in different States to the effect that there are more drunken drivers arrested to-day than in 1918. The gentleman cites these statistics to lead the country to believe that there is more drunkenness to-day than under the old régime. A man who believes this has had but little experience. The gentleman ought to compare drunken drivers to-day with drunken riders in former days. There is not one drunken driver to-day to where there were thousands of drunken riders in the old days. The gentleman would have us repeal the eighteenth amendment, throw the bars down, give the boys all the liquor they want, and thereby reduce the number of drunken drivers.

This is but an example of the logic of the wet Representatives on the floor of the House. If we should adopt their policy, our highways would be drenched with innocent blood from end to end. The figures given us by the gentleman are not evidence of an increase in the quantity of whisky used but show the high standard set by our people for the observance of law and order. They are but evidence of law enforcement. In the olden days but little attention was paid to a drunken man. An old judge once gave an instruction as to how drunk a man should be before he should be arrested therefor:

Not drunk is he who from the street can rise again and drink once more, but drunk is he who from the street can neither rise nor drink once more.

In other words, if a man could stay out of the ditch he was allowed to go home, and in many cases the officers themselves assisted him on his way.

The gentleman from New York [Mr. SIROVICH] would tell the country that there is more liquor to-day than ever before. I want to say that from my own observation and experience there is one drop of liquor to-day to where there were barrels in the old days. We can remember that during those days we would see more drunken men on one court day than we have seen all together since we have had national prohibition. During bar-room days it was unsafe for a lady to go out on a public day, and we have all seen more misconduct, such as street fights and so on, in one public day than we have seen all together since we have had national prohibition.

The gentleman from New York [Mr. LA GUARDIA] tells us that there are 30,000 speak-easies in New York. The gentleman from the same city [Mr. SIROVICH] disagrees with him and places the number at 100,000. They should have told the country that there are a hundred thousand open saloons in their city. Mr. SIROVICH is also deeply concerned about the quality of liquor sold in his city, and complains loudly of the fact that industrial alcohol is denatured and that the bootleggers of his State are selling this poisonous liquor. But who is to blame for this condition and situation in New York? These gentlemen from New York would have you believe that prohibition and the Prohibition Department are responsible for this condition and that prohibition is a failure, but I say it is the State of New York violating her obligation under the Constitution.

We will analyze the facts and see what the situation is. The Government of the United States never engaged in police regulation. The police power was retained by the several States. The Government did not have and does not now have governmental machinery with which to enforce police regulation, and can not enforce the same without radical changes and a great multiplicity of officers at a tremendous and unnecessary cost to the people of the country. The drafters of the eighteenth amendment knew this fact and therefore made it equally the duty of the Government and the several States to enforce prohibition by appropriate legislation.

I know this position will be challenged by able wet lawyers. Therefore, I will insert the clause of the constitution in the



RECORD so that the country may judge the duties of the several States.

The first paragraph of the eighteenth amendment declares the great principle of prohibition and makes it applicable to the entire country.

The second paragraph in this connection is all-important, and it reads as follows:

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

I leave it to the people of the country as to the interpretation of this clause and as to the duty of the several States thereunder.

The Government assumed its obligation and enacted the national prohibition act, while several States have failed.

For example, New York has violated her obligation and has nullified the constitution in that State and in a large measure throughout the entire country by repealing the State enforcement act. I want to analyze this condition in order that the country may see the true situation.

According to the gentleman from New York [Mr. LA GUARDIA], we have to deal with, say from 30,000 to 100,000 speak-easies in New York. The Government of the United States has in that State the following officers to deal with this proposition:

Four district courts with 17 judges and approximately 350 prohibition agents. So you see at a glance the impossibility of 17 judges and 350 officers dealing with such an aggregation of criminals and wide-spread violation of the law.

On the other hand, we will look at the power New York could wield in dealing with this question, if she saw fit to discharge her obligation under the Constitution.

New York has approximately the following officers:

Judges of courts	209
Police judges	304
Justices of the peace	3,543
Total	4,056
Police officers	22,500
Other peace officers	7,500

In other words, a bootlegger can stand on the street corner in New York in the presence of 22,500 police officers and sell liquor in violation of the Constitution, and it is not their official duty to interfere.

A steamship can sail into the harbor of New York, loaded with intoxicating liquors to be sent throughout the entire country in violation of the Constitution, and unload the same in the presence of approximately 30,000 peace officers, and it is not their official duty to interfere. Can you beat such a condition? Is there any wonder that New York has nullification, and whose fault is it? Ah! you wet Representatives from New York should never speak the words "prohibition" or "constitution."

The gentleman from Wisconsin [Mr. SCHAFER] represents a State with a similar record. Wisconsin has approximately 2,000 peace officers, and it is not their official duty to assist the 38 Federal prohibition officers in that State.

We will look at this situation from a practical and real standpoint. Suppose the department should abandon all the country but New York and send the entire 2,200 Federal prohibition agents into the State, and suppose these agents should purchase intoxicating liquor from one violator in each of the 30,000 speak-easies. We would then have 30,000 criminal cases and 30,000 padlock proceedings or civil cases, making in all 60,000 cases. It would take the 17 Federal judges 15 or 20 years to dispose of these cases, while on the other hand it would only take the 4,000 State courts of New York from 10 to 15 days to dispose of all these cases.

This comparison demonstrates the wisdom of the lawmakers in making it incumbent upon the several States to assist in the enforcement of prohibition.

I admit that the prohibition conditions are not what we want them to be, but they are a thousandfold better than ever before. It is easy to criticize, denounce, condemn, and tear down, but we are building for the future, and no amount of unwarranted and unjustified criticism can deter us. My State (Virginia) was the second State to ratify the eighteenth amendment, and she will never repudiate that action.

Intoxicating liquors have been outlawed, and making, manufacturing, or drinking intoxicating liquors in the home, or elsewhere, violates not only the spirit of the Constitution and the law, but the very letter thereof, unless the same was legally acquired.

The eighteenth amendment was indelibly written into our organic law, not by big business but by the churches and moral forces of the country. Prohibition will ever be guarded by these same forces together with our modern business. Prohibition owes big business nothing. Our modern business owes prohibition all. Some would minimize the influence of the church on

our national life, but it is immeasurable. The church is the cornerstone of our economic life and civilization.

I strongly favored transferring the Prohibition Department to the Department of Justice and thereby place the development of cases in the hands of the men who will prosecute them, and I believe in giving the Attorney General full power and authority and to place under his control all the power and resources of the country in order to suppress this illegal traffic.

The gentleman from New York [Mr. LA GUARDIA] would lead the country to believe that we intend to destroy the first and fourth amendments to the Constitution.

No one wants to deprive a man of his right of free speech as guaranteed in the first amendment, but men in high places ought to be careful in exercising that right when what they say may lead to violence, breach of the peace, and, possibly, bloodshed. No man is justified under this amendment in lending encouragement to crime and criminals throughout the country.

The fourth amendment guarantees the people to be secure against unreasonable searches and seizures. No prohibitionist wants to in any way disregard or violate the sanctity or security of the home.

All searches made under the national prohibition act must be reasonable; otherwise they are void. The national prohibition act provides:

No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor.

In other words, the officer who seeks a search warrant to search a private residence must furnish an affidavit that whisky has been sold in the residence, and is now being sold therein, before a United States commissioner will issue a warrant. I submit that this is not unreasonable and in no way violates the spirit of the fourth amendment and in no respect invades the sanctity of the home. If a man converts his residence into a saloon, why should it not be searched? The time has now arrived when law and order must triumph over crime and criminals.

The gentleman above referred to would have the country believe that prohibition is a failure, but I want to say that in my judgment prohibition has done more good for mankind generally in this country than any law placed upon the statute books in all our history. It has made possible untold blessings to all our people and made it possible for many homes to have luxuries where in former days there existed want, privation, and suffering. Under this prohibition system our people have better homes than any other people on earth. We have more radios, automobiles, telephones, better schools, colleges, libraries, hospitals, and churches than any other people in the world, and above all our women and children have more, are better cared for, and are happier than those of any other country in the world. All made possible by prohibition.

In conclusion I want to say to the wet Representatives that the legalized liquor traffic may be brought back to curse my home and my children and the children of this Nation by your vote and your influence, but it shall never be brought back to curse your homes and your children and the children of this Nation by my vote and my influence. [Applause.]

The Clerk read as follows:

Consolidated prison industries working capital fund: For an additional amount for the consolidated prison industries working capital fund, fiscal year 1931, \$500,000.

Mr. LA GUARDIA. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: Page 41, line 5, after the figures "\$500,000" add the following:

"Provided, That no part of this appropriation shall be available for purchase of material or equipment for the manufacture or repair of mail bags or other classes of articles produced at the Mail Bag Equipment Shops at Washington, D. C., at any United States penal or correctional institution."

Mr. LA GUARDIA. I hope the committee will accept this amendment. The gentleman will remember that when we considered the bill providing construction of new penal institutions and the general prison bill, the House adopted an amendment which is now part of the law, to the effect that the workshop of the prison should not be so operated as to reduce the output of any Government shop, arsenal, or mail-bag repair shop.

Since the committee has provided this item in the bill preparations have been made in the mail-bag repair shop in Washington to decrease the force. In other words, if a worker resigns or dies he will not be replaced; and it is pro-



posed now to take two foremen of the Washington shop and assign them to set up a repair shop in the Federal penitentiary at McNeil Island. I have no criticism to make as to the zeal and industry of the present Superintendent of Federal Prisons, who is asking to establish these shops. That is his job. He has only one side of the question to look at. We have to look at both sides, and it is just as necessary to provide for honest men and women the means of earning an honest living as it is to keep the inmates of prisons employed. [Applause.]

I do not think Congress wants to go so far at this time as to establish a new mail-bag repair shop in one of the penitentiaries if it means to abolish the present mail-bag repair shop in Washington.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. O'CONNELL. Was not that adopted in the last bill that we considered for penitentiaries?

Mr. LaGUARDIA. Yes; and I do not want to see the purpose of the amendment avoided.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. MOORE of Virginia. If the gentleman's amendment were adopted, it would apply only to the McNeil Penitentiary?

Mr. LaGUARDIA. If my amendment is adopted, as I hope it will be, the appropriation can be reduced by \$32,000.

Mr. MOORE of Virginia. Can the gentleman tell us whether there are any transportation facilities at McNeil Island, where it is proposed to establish this new mail-bag repair shop?

Mr. LaGUARDIA. No; but I appeal to the House to support this amendment. The shop is in Washington, D. C. Let us not put these men and women out of business by establishing competition with those confined in a penitentiary. They are getting little enough pay as it is.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. BOYLAN. Has not the subcommittee of the gentleman's committee appointed to investigate the penitentiaries of the United States reported against this practice, and have they not recommended a change in the practice?

Mr. LaGUARDIA. Yes.

Mr. WOOD. Mr. Chairman, this is purely a governmental function. It will result in a very great saving to the Government, and it will give some kind of employment to these men who are incarcerated in these prisons. Not to do so would be more inhuman than to deprive somebody of some labor. This paragraph does not propose to take one day's work away from anybody. The provision is that there shall be no person discharged from the institution. In order to impose no hardship at all, there will be no discharges, and everybody who is now employed there will be retained at work; and the law requires it.

Mr. LaGUARDIA. I understand they are preparing to disperse with that shop.

Mr. WOOD. Oh, no. There will not be a single person discharged there. Every person now employed there will be continued there as long as he or she desires to work, so that there will be no hardship on anybody, and under the law they can not compete with anybody on the outside.

Mr. RAMSPECK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. RAMSPECK. Mr. Chairman, I have the honor to represent the Atlanta district where one of these Federal penitentiaries is located. We have in that prison over 3,900 prisoners. They have very little to do as it is. I think it would be very unfortunate if any further handicap were placed on the authorities in regard to providing work for those men confined there.

Mr. LaGUARDIA. I suggest to the gentleman that he support my amendment.

Mr. RAMSPECK. I do not think we ought to further handicap the Department of Justice in furnishing employment to prisoners in our Federal institutions. The greatest menace to the administration of prisons is idleness. They have not sufficient work now for the men in the Atlanta prison, and the authorities ought to be able to give them additional work, in consequence of the amendment proposed by the gentleman from New York some time ago and adopted by this House. This item is simply to allow them to carry on the industries they have there now.

Mr. MOORE of Virginia. Mr. Chairman, I rise in opposition to the amendment.

I dislike very much to antagonize the committee on any of its proposals, but, supplementing what the gentleman from New

York has said, I would like to quote from a letter addressed to me by employees in the mail-bag shop in this city, just one sentence to show what is going on, to show how this work of making and repairing mail bags is being diverted to convict labor. This is the first paragraph of the letter:

We as Government employees from the mail-equipment shop feel that an injustice has been done by the influence of the Department of Justice and by consent of the Post Office Department in allowing the work of the mail-equipment shops to be taken from us, or from honest people walking the streets of the District of Columbia seeking employment, and giving it to convicts at Atlanta, Chillicothe, Leavenworth, or McNeil Island.

That, according to this statement, is going on at the present time, and if the policy of the committee is carried out, there is no guaranty that any of the work will be maintained here. On the contrary, there would seem to be every reason to believe that the work will be taken away.

Mr. WOOD. The gentleman does not want to misrepresent the facts.

Mr. MOORE of Virginia. No, I do not.

Mr. WOOD. We have the absolute assurance, and I do not think the Department of Justice would make a promise to this committee or to this Congress which it does not intend to keep, that there will not be a single person employed in this station that will be discharged. They can have work as long as they live.

Mr. MOORE of Virginia. I know that the gentleman believes that, but what I have quoted is from a statement of people in whom I have confidence, who are on the scene. The fact is that officials come and go. Agencies of the Government are continually changing. The gentleman from Indiana, the eminent Chairman of the Committee on Appropriations, says he has assurances. Assurances are not written into law, and nobody can foretell how soon it may be possible, whatever the assurances may be, that the conditions will become such that the work here will be transferred to McNeil Island, and the people here deprived of the occupation in which they are now engaged.

It is stated in the hearings that McNeil Island is a convenient point for distribution. I understand it is on the water between Olympia and Seattle and has no rail service, and no service of any kind in the way of transportation, in or out, except a boat line which operates three times a week. I do not know why that place should have been selected.

Mr. MILLER. I will say to the gentleman there are a number of daily boats to and from McNeil Island.

Mr. MOORE of Virginia. I made my inquiry of the Interstate Commerce Commission. I, of course, defer to the gentleman, but I made inquiry of the Interstate Commerce Commission which has the schedules covering all transportation routes, and the reply to my inquiry was that there are no rail lines to McNeil Island, and the service by boat line is three times a week.

Mr. MILLER. It is true there is no rail line, but I am thoroughly acquainted with conditions there, and there are plenty of boat lines.

Mr. CRAMTON. Mr. Chairman, I move to strike out the last three words, simply to call attention to the danger of hastily, under some idea of sympathy, adopting an amendment to an appropriation considered. It is suggested that the adoption of the LaGuardia amendment would close the present duck mill at Atlanta.

Mr. LaGUARDIA. No; it is not.

Mr. CRAMTON. Because it says that—

No part of this appropriation shall be available for the purchase of material for the manufacture of mail bags produced at the mail-bag shops at Washington.

Mr. LaGUARDIA. The gentleman wants to be fair. My amendment goes to the paragraph, and the gentleman knows that we read appropriation bills by paragraphs. It reads:

For an additional amount for the consolidated prison industry working capital fund, \$500,000.

Mr. CRAMTON. And a part of this money is to be used to buy material for the making of duck at Atlanta.

Mr. LaGUARDIA. All I have to say is that I wish all the gentlemen would give as much attention and effort to finding work for honest men and women as they do finding work for prisoners. Vote it down if you want to. I do not care. The responsibility is yours. You will protect prisoners who do not need it, and you will not do anything for the men and women on the street.

The CHAIRMAN. Without objection, the last two pro forma amendments are withdrawn.

There was no objection.



The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were ayes 16 and noes 55.

Mr. LAGUARDIA. Mr. Chairman, I ask for tellers.

Tellers were refused.

Mr. LAGUARDIA. Mr. Chairman, I raise the point of no quorum.

The CHAIRMAN. The Chair will count. One hundred and two Members are present, a quorum.

So the amendment was rejected.

The Clerk read as follows:

Prison camps: For the construction and repair of buildings at prison camps, the purchase and installation of machinery and equipment, and all necessary expenses incident thereto, and for the maintenance of United States prisoners at prison camps, including the same objects specified under the caption Support of United States Prisoners in the act making appropriations for the Department of Justice for the fiscal year 1931, \$750,000, to be expended so as to give the maximum amount of employment to prisoners.

Mr. CRAMTON. Mr. Chairman, I have no desire to prolong the debate, but I think the RECORD should carry this statement from the hearings on the deficiency bill with reference to the mail-bag item discussion. Mr. Bennett in the hearings made this statement:

We must start slowly at first as we can not curtail the production of the mail equipment shops here in Washington. We merely get the increase over present output of the mail equipment shops. No employee now on the Government pay rolls is to lose his job through our activities.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Probation system, United States courts: For an additional amount for salaries and actual expenses of probation officers, including necessary office expenses, as authorized by section 3 of the act entitled "An act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia," approved March 4, 1925 (U. S. C., title 18, sec. 726), fiscal year 1931, \$175,000.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last word. I just want to take a minute, Mr. Chairman, ladies, and gentlemen of the committee, to congratulate the House and the committee upon their wonderful work in carrying out the recommendations of the prison commission appointed in the Seventieth Congress. I want to say that every one of the increased appropriations and the appropriation for a new prison in the northeastern part of the United States, the parole system, and the probation system were recommendations of that commission.

Personally I am not in favor of sending people to jail. A great deal of my time is taken up in trying to get them out of jail. I believe that many men and women who are now confined in prison should not be there at all. They ought to be in hospitals. If the Congress will stop creating new penal offenses and give the prison and penitentiary building program a chance to go forward, so we can catch up with new buildings to properly care for those now incarcerated, much good will result. We will then be able to have proper accommodations for the prisoners instead of having them sleep in basements and corridors.

I think the Congress and the committee are to be commended for the expedition with which they have responded to the recommendations of this commission, but in order that the fruits of their work may be appreciated I hope the Congress will cease passing additional laws providing for jail sentences for the inhabitants of the United States for at least 5 or 10 years, then we can catch up with and improve the present accommodations.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. COCHRAN of Missouri. I fully agree with what the gentleman says in reference to these appropriations. I think the House owes the gentleman from New York and his associates on the special prison commission a vote of thanks for the great work they did with reference to these important questions, which resulted in the passage of these appropriations.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Inter-American Conference on Agriculture, Forestry, and Animal Industry: For the expenses of an Inter-American Conference on Agriculture, Forestry, and Animal Industry, to be held in Washington, D. C., in 1930, as authorized by Public Resolution No. 63, approved April 14, 1930, including salaries in the District of Columbia or elsewhere, rent in the District of Columbia, printing and binding, exhibits, transportation, and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other

services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), official cards, entertainment, and such expenses as may be actually and necessarily incurred by the Government of the United States in the observance of proper courtesies, fiscal years 1930 and 1931, \$25,600.

Mr. WOOD. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 51, after line 23, insert:

"Eleventh annual convention of the Federation Interalliee des Anciens Combattants, District of Columbia: For the contribution of the United States toward the expenses of entertainment, while in the United States, of delegates from foreign nations participating in the eleventh annual convention of the Federation Interalliee des Anciens Combattants, to be held in the District of Columbia in September, 1930, including compensation of employees, travel, and subsistence of per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic or other services by contract if deemed necessary without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), rent in the District of Columbia and elsewhere, purchase of necessary books and documents, printing and binding, entertainment, official cards, rental, operation and maintenance of motor-propelled passenger-carrying vehicles, and such other expenses as the Secretary of State shall deem proper, to be expended by the national treasurer of the American Legion under such rules and regulations as the Secretary of State may prescribe, fiscal years 1930 and 1931, \$25,000."

The amendment was agreed to.

The Clerk read as follows:

One hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va.: For the expenses of inviting foreign governments and individuals to participate in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va., to be held in 1931, and for the expense of entertaining the guests of the United States as provided by the public resolution approved May 14, 1930, including personal services in the District of Columbia and elsewhere, travel expenses and subsistence or per diem in lieu thereof (notwithstanding the provisions of any other act), rent in the District of Columbia and elsewhere, stenographic and other services by contract, if deemed necessary without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), purchase of equipment, hire, maintenance, and repair of motor-propelled or horse-drawn passenger-carrying vehicles, printing and binding, official cards, entertainment, and such other expenses as may be authorized by the Secretary of State, \$25,000, to remain available until June 30, 1932.

Mr. WOOD. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 52, after line 17, insert:

"Land at Punta Paitilla, Panama Canal Zone: For the payment, as authorized by the act entitled 'An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone,' approved August 24, 1912, for land at Punta Paitilla, Panama Canal Zone, acquired under the provisions of the convention concluded November 18, 1903, between the United States and the Republic of Panama, for the construction of a ship canal to connect the Atlantic and Pacific Oceans, fiscal year 1931, \$160,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order against the amendment. This is not an ordinary \$25,000 appropriation, which we should not stop to consider at this late hour, but it involves an appropriation of over \$100,000. I think there should be some explanation.

Mr. WOOD. It is for the purpose of paying for land we took in Panama and which has been occupied by the Army for many years. The amount that was agreed upon, with interest, was \$163,000, but they have agreed that if this item is included in this bill they will take \$160,000.

Mr. STAFFORD. Agreed with whom?

Mr. WOOD. With the State Department; the Government of the United States.

Mr. STAFFORD. Then, as I understand, this is a claim by some property owners against the United States because the Government poached on their lands?

Mr. WOOD. No; it is property taken by our Government, and the Government has never paid any rental for it.

Mr. STAFFORD. How many years ago was it taken?

Mr. WOOD. I understand it was taken in 1918. It has been occupied by the Army and they have not been paying for it.

Mr. STAFFORD. It seems passing strange at this late day, when we took possession of the Canal Zone in 1900, that 30



years afterward a claim should be unearthed against the United States Government, and that they are willing to discount that claim \$60,000 if they are paid at once.

Mr. WOOD. No; they are only discounting it \$3,000.

Mr. STAFFORD. That makes me more inclined to raise the point of order or to oppose the amendment.

Mr. WOOD. If the gentleman will read the document of the State Department, he will find this statement:

Acting under its rights contained in the convention, the United States on November 30, 1918, acquired for defense purposes 50.6 hectares, or 125.3 acres of land, which belonged to the Bermudez family of Panama. When the United States and the owners of the land failed to agree on the price to be paid for same the matter was submitted to the joint commission established by the convention for appraisal and settlement, and the commission being unable to agree, it was referred to the umpire for decision. On May 8, 1920, the umpire rendered a decision in favor of the claimants, awarding them \$101,200 for the 50.6 hectares of land acquired and an additional \$1,200 for the occupancy during five years of other land estimated at 100 hectares, making the total award \$102,400, with the condition that the sum awarded should bear interest at the rate of 6 per cent per annum after June 8, 1920, in the event that the award was not paid by that time. The United States refused to recognize the validity of the award on the ground that the umpire based his decision upon the value of the land at the time it was acquired, whereas the convention provides that the appraisal of private lands and property and the assessment of damages to them shall be based upon their value before the date of this convention.

The award of \$102,400, with simple interest at the rate of 6 per cent per annum, from June 8, 1920, to June 8, 1930, a period of 10 full years, would amount to \$163,840. The American minister to Panama advised the Secretary of State on June 6, 1930, that claimants definitely agree to accept \$160,000, foregoing additional interest, provided that final payment is made within six months, and the estimate submitted herewith is for the purpose of making settlement on that basis.

Mr. STAFFORD. Does the gentleman, who is a shrewd bargainer, think it is a good settlement to just throw off \$3,000 on a claim of \$163,000, when the State Department stated they did not think the award was based on a proper foundation?

Mr. WOOD. But they afterwards determined that it should be settled upon that basis, and I think it is a good deal better to save the \$3,000 rather than to let the interest run along and in the end pay more than the \$163,840.

Mr. STAFFORD. Mr. Chairman, personally, I do not think it is a good bargain at all. I thought the gentleman was a good, shrewd bargainer, but in this instance I can not agree with him.

Mr. WOOD. I want to say to the gentleman I did not make this bargain. It was made by the State Department, and they think it is the best bargain they can make. Perhaps, if the gentleman and I were to go down there we might fix it up better.

Mr. STAFFORD. The gentleman went to Florida and has a record so far as the Mediterranean fruit fly is concerned, and I know if the gentleman had anything to do with this claim he would not agree to any cut of only \$3,000, but would say, "Take \$100,000 or nothing."

Mr. GREEN and Mr. COLLINS rose.

Mr. STAFFORD. I yield to the gentleman.

Mr. GREEN. In many respects the gentleman's visit to Florida was a great benefit.

Mr. STAFFORD. The gentleman benefits any section he visits, not only Florida, but anywhere in the United States, and the gentleman has been instrumental in saving the Treasury of the United States \$25,000,000 or \$30,000,000.

Mr. GREEN. And we hope the gentleman is going to help us get some reimbursement.

Mr. STAFFORD. The gentleman stopped a big steal down in Florida.

Mr. Chairman, I withdraw the point of order.

The amendment was agreed to.

The Clerk read as follows:

Ship claims of former German nationals against the United States: For carrying out the provisions of the settlement of war claims act of 1928, approved March 10, 1928 (45 Stat. 254), so much as may be necessary is appropriated, to be available upon the date on which the awards of the war claims arbiter in respect of the merchant vessels *Carl Diederichsen* and *Johanne* (including any equipment, appurtenances, and property contained therein), are certified for payment to the Secretary of the Treasury, and to remain available until expended, to pay said awards, plus interest thereon at the rate of 5 per cent per annum from July 2, 1921, until date of such payment: *Provided*, That the aggregate amounts paid, exclusive of interest, shall not exceed in the case of the *Carl Diederichsen* \$166,787.78, and in the case of the *Johanne*, \$174,600.

Mr. WOOD. Mr. Chairman, I offer an amendment to strike out the paragraph.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 54, strike out lines 1 to 15, inclusive.

Mr. WOOD. Mr. Chairman, these claims have been settled under a previous paragraph. They had the option to determine how they should settle them, and they elected to settle them under a paragraph which has already been passed.

The amendment was agreed to.

The CHAIRMAN. Without objection, the word "exceeding," in line 20, and the word "herein," in line 21, of page 59, will be corrected.

There was no objection.

The Clerk read as follows:

New York (N. Y.) post office: The act of March 4, 1929 (45 Stat. 1660), authorizing and appropriating \$1,500,000 for the acquisition of a site for an annex to the New York, N. Y., post office, is hereby amended to permit the Secretary of the Treasury to purchase additional land for the enlargement of the post office, New York, N. Y., from the Pennsylvania Railroad & Tunnel Co., being the remainder of the blocks bounded by Eighth and Ninth Avenues and West Thirty-first and West Thirty-third Streets, not now owned by the United States, subject, however, to the right of said railroad company, its successors and assigns to retain, occupy, and use, the subsurface of the above-described property for its railroad and station purposes, said rights to be specifically defined in the contract of conveyances of the property, under such terms and conditions as are satisfactory to the Secretary of the Treasury, at a total cost not to exceed \$2,500,000.

Mr. WOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 54, lines 7 and 8, strike out the following words: "From the Pennsylvania Railroad & Tunnel Co."

The amendment was agreed to.

The Clerk read as follows:

St. Louis (Mo.) post office, etc.: The limit of cost fixed in the act approved March 4, 1929 (45 Stat. 1661) is hereby increased from \$400,000 to \$1,500,000, and the Secretary of the Treasury is authorized to transfer from the site as enlarged the land needed by the city for street-widening purposes in exchange for the land vacated by the closing of streets which traverse the enlarged site.

Mr. COCHRAN of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the committee, the item providing for \$1,500,000 to purchase ground for a new post office in St. Louis is for a much-needed project; in fact, it is properly classed by the building commission as an emergency. When I tell you that for the want of space it has at times been necessary to handle parcel-post mail in the boiler room of the present building you will realize the conditions existing in St. Louis. As has been pointed out by the Fourth Assistant Postmaster General in his testimony before the committee, St. Louis, next to New York and Chicago, is the most important mail-distributing center in the country. This because we are the gateway to the great Southwest.

No train ever passes through St. Louis. It either makes up or discontinues its run in that city. Therefore you will see that all mail directed to the Southwest, or, in fact, to any part of the country, brought to St. Louis by rail must be rehandled in my city. We have a headquarters for the Railway Mail Service there. We also have a terminal division there. As was pointed out in the hearings, that while this post office is to be constructed in St. Louis, it is not alone for the post-office needs of that city but space must be provided for the handling of the mails that are directed through St. Louis.

The plans provide for a building some 800 feet long and over 500 feet wide. They are to consider bringing the mail cars in the building for loading and unloading, and also going to provide a roof where they hope in time to have the air-mail planes land. It has been shown that right now the Post Office Department can save \$175,000 a year by the construction of this building.

It is a striking example of the way the new building law is working to the benefit of the Government. Had the building been constructed 15 years ago it would have saved an amount sufficient to meet the cost. The people of St. Louis are spending \$87,000,000 for improvements, one of the projects being a plaza in front of Union Station, and this new building will face that plaza. It will be a credit to the Government as well as to the city.



I withdraw the pro forma amendment.

The Clerk read as follows:

Stuttgart (Ark.) post office, etc.: For acquisition of site and construction of a building under an estimated total cost of \$95,000.

Mr. GLOVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GLOVER. Mr. Chairman, ladies and gentlemen of the House, in the early part of this session I introduced a bill for the building of a post-office building at Stuttgart, Ark. Stuttgart is a city of about 5,000 inhabitants and is situated in the heart of the fine rice belt of Arkansas, which can not be surpassed by any place in the United States or elsewhere. There are several of the largest rice mills in the United States situated and operating in this city.

No finer people can be found in the world. The receipts of the post office at Stuttgart were shown last year to be more than \$33,000; I have not had the report on their receipts for this year just past, but I am sure they have increased. They have been handling the post office there in a small room, and it is a compliment to their efficient postmaster that he has handled it so well under the adverse conditions that he had to contend with, and with no room to work and handle the large mail that comes through this office. It has been their hope and dream for years that the Government would build a nice post-office building in this city and with the passage of this bill it will soon be no longer a dream but a reality. There is another city in this county that should have a post-office building very soon, and that is the city of DeWitt. It is a nice, growing city, nearly as large as Stuttgart, and I hope to see a nice post-office building there very soon. It is my belief, and I shall not be satisfied until every county site and every city of importance has its own post-office buildings. It is economy to do this. The buildings, when built, will stop the payment of the heavy rentals that the Government is now paying and beside that it will give better efficiency in the handling of our mails, that every man is vitally interested in. I hope the bill will pass without a dissenting vote.

The Clerk read as follows:

Sweetwater (Tex.) post office, etc.: For construction of a building under an estimated total cost of \$130,000.

Mr. BLANTON. Mr. Chairman, ladies and gentlemen of the House, we have just passed without a dissenting vote an appropriation of \$100,000 to construct an adequate post-office building for the city of Coleman, Tex., and an appropriation of \$130,000 to erect a proper post-office building in the city of Sweetwater, Tex.

I am deeply grateful to and thank my colleagues for allowing these two appropriations to pass without objection. My worthy constituents who are citizens of these two enterprising cities duly appreciate this generous consideration shown them. They have patiently waited a long time for these public necessities.

This action to-day successfully terminates a long fight I have unceasingly waged for these two buildings ever since I first entered Congress, and especially since the Federal building program was resumed in the Sixty-ninth Congress. With my service that began March 4, 1917, in the Sixty-fifth or war Congress, all building activities were suspended for 10 years to permit the Government to recuperate from its enormous war expenses.

The up-to-date, enterprising cities of Breckenridge, Eastland, Ranger, Cisco, Ballinger, Lampasas, and San Saba, in my district, all had meritorious claims for buildings, and it would be wise business judgment and sane economy for the Government to own its buildings in all of them; but the United States owned no building sites in them, while for years the Government has owned suitable building sites centrally located in both Coleman and Sweetwater. Inasmuch as the appropriations proposed in the building program would permit not more than two buildings to be allocated in any one district just now, I felt that the claims of Coleman and Sweetwater were superior by reason of the sites already acquired there, so I had their buildings allocated first.

The people of Coleman and Sweetwater are greatly indebted to Senator SHEPPARD for the help he has so generously and untiringly given me in this matter. He has promptly responded each and every time I have called on him. He has several times left his arduous office work and gone with me to the Post Office Department to present in detail and argue at length the claims of Coleman and Sweetwater with Governor Bartlett, the then First Assistant Postmaster General. He has gone with me to the Treasury Department to see the then Assistant Secretary Schuneman and Supervising Architect Wetmore. Whenever I have called on him Senator SHEPPARD has immediately dropped

everything and gone with me, lending me his time, aid, and help in every way possible.

When the proposal in the building program first came before us for Congress to delegate its power and authority to the Post Office and Treasury Departments to determine and say where new buildings should be located I was against that provision, as I was afraid that politics would prevent a fair distribution of buildings to the various districts. Then I was definitely assured that both Coleman and Sweetwater would be placed in the building program. Hence, when S. 4663, carrying the new building program, was passed in the House on February 7, 1927, under suspension of rules I supported and spoke for it, then calling attention to the fact that my promised buildings had been assured. Likewise, when H. R. 278 was passed by the House on December 17, 1927, under suspension of the rules, I spoke for it and again called attention to the fact that the assurance of buildings in Coleman and Sweetwater caused me to support the bill. My colleague Mr. HUDSPETH then mentioned from the floor my getting the building for Sweetwater, and my colleague Mr. BUSBY then mentioned that I had opposed the proposition until I had been promised my two buildings.

On February 2, 1929, I spoke for 20 minutes in the House and called attention to the fact that I would soon retire from Congress and that the departments must keep faith with me and provide buildings for Coleman and Sweetwater. On February 27, 1929, buildings were duly allocated to Coleman and Sweetwater, which constituted authority for appropriations to be made therefor; and I retired from Congress five days later, on March 4, 1929. And I am happy to be back here to-day when we have voted the two specific appropriations for these buildings at Coleman and Sweetwater which assures their prompt construction. And so ends the usual long delays and Government red tape incident to all building construction.

I must mention one ludicrous incident: As soon as Governor Moody called the recent special election in my district Mr. Venus Earl Earp announced against me for Congress, thinking that with him running from the west, Judge Dean from the south, Mrs. Lee from the east, and Judge Long from the north, they could keep me from getting a majority, and then might defeat me by combining forces against me. Learning, however, that the candidate receiving the highest number of votes would be elected, a majority not being required, Venus got cold feet and withdrew. But before withdrawing he wrote a circular letter to lawyers on April 22, 1930, telling them that my enemies in Congress would not allow an appropriation for Sweetwater's building to be passed if I were elected, and also telling them that the farmers would be too busy to leave their farms to vote in the special election, and he believed there was a possibility of his being elected if the lawyers would organize the towns against me. Venus was right about the farmers being busy with their planting, for only a few voted, but they made their votes count. I did not lose a vote at Hodges and Swenson in Jones County, or at Camp Colorado in Coleman County, or at Bitter Creek in Nolan County, or at Marie in Runnels County, or at Fir in Eastland County, and my majority was 110 to 1 at Oplin in Callahan County. If at an election Venus would seek to take advantage of farmers busy planting their crops, he might in Congress try to take advantage of them, and the farmers of my district are going to resent Earp's form letters he addressed to "Dear Brother Attorney."

While official duties keep me here busily engaged in Washington Venus is having the young lady in his office go to various business men to get the names and addresses of their acquaintances in my district, and, when they will stand for it, takes their letter heads to his office and writes strong letters boosting himself for Congress, and then has them to sign and mail them. Thus numerous form letters written on the stationery of the West Texas Retail Druggist Association, and signed Lawrence Davis, its president, have been sent to numerous druggists who have resented this attempt to inject their organization into partisan politics. This letter asserts that Mr. Venus Earl Earp has the best law practice in the city. This amusing information will interest some of his creditors who have informed me that he would not pay his bills they held against him. This form letter also asserts that he was "one of the disabled who came back from France," indicating that he was wounded in battle, which is not correct. The draft act was passed May 18, 1917, requiring all men between 21 and 30 to register under the draft. Thereafter on August 13, 1917, Mr. Venus E. Earp enlisted at Fort Sam Houston giving his age as 21 years and 5 months, was sent to Georgia, then sailed April 19, 1918, and was transferred to Depot Division July 26, 1918, attended Army candidates school, Langres, France, from July 29, 1918, to September 24, 1918, was returned to the United States May 13, 1919—armistice occurring November 11, 1918—and his military



record shows that he was not wounded or injured in any way while in the service. The Government allowed him adjusted compensation of \$1,579, and I helped him for several years with his claim for compensation for disabilities he claimed to exist. And he will not deny that I exhausted every means possible in his behalf. But he must not claim wounds that never were inflicted.

I must mention another amusing thing about post-office buildings before I conclude. My home city of Abilene must have enlarged quarters for both post-office and Federal-court facilities at the earliest date possible. Mr. F. A. Blankenbeckler, of Cisco, is the Republican committeeman for the seventeenth district of Texas. He has tried to make our Abilene citizens believe that they could get such a building right away through him and State Committeeman R. B. Creager. He junketed to Houston to see Mr. Creager, when he was lately there on business, and junketed to Dallas to see our friend Jack Philp while he was visiting there, and he thought that Abilene would junket him to Washington. They ought to have known that if he could reach up in the skies and pull down Federal buildings at will, he would have long ago pulled one down for Cisco, where he lives. And Abilenians ought to have known that if Mr. Creager could hand them out, he would have long ago handed one out for Brownsville, where Mr. Creager lives. Our colleague and minority leader of this House, Mr. GARNER, has succeeded in getting a needed Federal building for Brownsville, but the appropriation for it is in this same bill we are passing now, which at the same time appropriates for Coleman and Sweetwater, and Mr. Creager would not want to take the credit for it away from Mr. GARNER.

Every Member of this Congress knows that neither Mr. Creager nor Mr. Blankenbeckler have anything whatever to do with locating Federal buildings. This was a cheap attempt on the part of F. A. Blankenbeckler to try to discredit the Representative in his own congressional district, just as other attempts have been made to try to discredit our colleague, HARRY WURZBACH, from the San Antonio district. Blankenbeckler reported in my home city that Abilene would get a new \$400,000 building immediately, as he had gotten Jack Philp and Mr. Creager to approve it, and his great achievement was heralded in the Abilene Reporter-News just a few days after my election.

While I was campaigning preceding the special election, different Abilene chieftains of the Republican organization there were spreading the report that they would get a building for Abilene before BLANTON got back to Congress. All of the above was pure political bunk and misrepresentations made to injure me.

Hon. John W. Philp, Fourth Assistant Postmaster General of the United States, is my classmate and my personal friend, and he is the personal friend of all of the other Members from his own State of Texas, and he would gladly assist any and all of us on every just and meritorious project we were interested in, and he did not make any such promise to Blankenbeckler or to anyone else. He knows that with all conditions most favorable and with the greatest dispatch possible, it will be 1931 before the enlargement of Abilene's building can be made.

The people of Abilene are my loyal, faithful, dependable friends and have done much for me and they have confidence in me and they know that I will go the limit for them all away down the line and that they need have no uneasiness about their best interest being well cared for by me at all times.

Abilene has a building already, even if it is old, wholly inadequate, containing only half enough room and facilities both for the post office and the Federal court, and I have already arranged for it to get relief in 1931. It can not be arranged sooner. The other worthy cities in my district had no building at all, and Abilene has grown and thrived because it has never been selfish or jealous or unjust, but has always had a friendly feeling for every other growing, deserving city in west Texas, and has rejoiced with them in their every attainment and success, and Abilene did not expect me to provide for it at the expense of all other cities in my big district.

Coleman and Sweetwater came first, because their claims stood ahead of all others. I have arrangements made with the powers that be for Federal buildings to be constructed in Cisco and Breckenridge in December, 1930, when we pass the next appropriation bill, and then after that we will provide for the other cities in my district just as fast as the active building program will permit. Hon. John W. Philp, Fourth Assistant Postmaster General, has assured me that he will have the Abilene project carefully surveyed out this summer. But I know that it can not be definitely provided for with specific appropriation before 1931, and I am not going to fool my neighbors in Abilene with any idle promises.

The cities that get results here worth while are those whose chambers of commerce have learned to act through and depend

upon their own Representatives in Congress, and not subsidize and be deceived by alleged "handlers of political patronage."

Senator SHEPPARD has helped me present to the departments the meritorious claims of Ranger, Eastland, and Ballinger, and I know that my friend, Senator CONNALLY, will also assist me whenever I need him in every way possible, and it is only a question of time waiting for the building program to justly embrace these projects and those of the other cities in my district. All are to be reached in time, and none are to be overlooked.

Since my opponent, Mr. Venus Earl Earp, missed it so badly when he said the farmers would be too busy to leave their farms to vote in the special election, when enough did vote to elect me, and since he missed it so far in stating that if I were elected my enemies here would not permit the appropriation for Sweetwater's building to be made, when we have just passed the appropriation of \$130,000 for Sweetwater without a dissenting vote against it, the people will not pay any further attention to his prognostications. When he enlisted he signed his name "Venus E. Earp." Now he announces for Congress as "V. Earl Earp." I guess that he thought an Earl might fare better than a Venus at the polls. He has written one of my lawyer friends at Anson asking him to procure for him an affidavit from some one about my speaking for the National Democratic ticket there during the last presidential campaign, saying:

I am going to have some fun down in the lower part of the district, and assure you your name will never be mentioned in the matter at all.

If my speaking for the great Democratic Party would make "fun for him in the lower part of my district," why would not it make fun in all parts of the district? The above is why the people are not taking Venus seriously. Hence, without alarm I may remain here and attend to the business of the people, knowing that they will take care of me when I need it.

The Clerk read as follows:

Post Office Department Building: For construction of building, under an estimated total cost of \$10,300,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on this provision.

I dislike very much at this late hour to take up any time and to interfere with the speed with which the bill is going through. But there has been a protest on the floor here to the demolition of the present Post Office Department Building. The item under consideration appropriates for this building an estimated cost of \$10,300,000. I wish to inquire of the chairman whether it is the purpose to raze the present Post Office Building and erect another building in harmony with the modern character of architecture?

Mr. WOOD. That is up to the Congress. They can not tear that building down unless we say so.

Mr. STAFFORD. Is that the purpose of this provision on page 99, lines 15 and 16?

Mr. WOOD. There is not anything in the provision that authorizes the tearing down of that building.

Mr. STAFFORD. I am serious in this.

Mr. WOOD. And I am serious also.

Mr. STAFFORD. It is a \$10,000,000 item. I think the Congress can find much better use for its funds than tearing down a fine office building and replacing it with a modern building to harmonize with the æsthetic idea of some architects. We have need for office buildings and also for conserving the revenues of the Government. If it is the purpose of this item—and I am directing my query in all seriousness—to substitute another post-office building on the same site for the one now there, I ask the gentleman to inform me and also the committee.

Mr. CRAMTON. Mr. Chairman, if the gentleman from Indiana will yield, the present post-office building is not to be torn down before the new post-office building is erected, and the present language has nothing to do with the destruction of the present post-office building.

Mr. STAFFORD. Has any legislation been enacted which would prevent the present post-office building from being utilized for other departmental purposes?

Mr. CRAMTON. My understanding is that before the present post-office building is demolished, there will have to be specific action by the Congress. In any event I can state positively that it was brought out in the hearings on the bill that it is not contemplated this year or next year to disturb that building.

Mr. STAFFORD. I withdraw the reservation of the point of order.

The Clerk read as follows:

State, War, and Navy Building: For removal of upper story, refacing and refinishing of exterior, and such remodeling and reconstruction of building and changes in approaches as will make it harmonize generally in architectural appearance with the Treasury Building, and for mechan-



ical equipment and changes therein, at an estimated total cost of \$3,000,000; and such building shall hereafter be named the Department of State Building.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph. I am not a student of architecture, and yet the one building that impressed me when I first came to Washington nearly 30 years ago and that has always appealed to me, is the State, War, and Navy Building. It is now proposed to expend \$3,000,000 to have the exterior made to conform to the style of architecture of the Treasury Department Building. If there is ever an instance where this Government is going wild in its ideas of conforming to æstheticism, it is in the idea of remodeling the exterior of the State, War, and Navy Building.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman, who has been more active toward this beautification according to the modernization ideas than anyone else in the Congress or the country.

Mr. CRAMTON. Oh, no. The gentleman does me too much honor. I think the gentleman from Indiana [Mr. ELLIOTT] is entitled to more credit than anyone else, and I to very little. This is an effort to make effective what Congress ordered in the first place. The Treasury Building ranks among the world's best buildings. It is unfortunately situated, so that it is not appreciated. When Congress authorized the present State, War, and Navy Building, it directed that it should be a counterpart of the Treasury Department Building, the Treasury Department Building being on one side of the White House and the proposed State, War, and Navy Building on the other. But the directions of Congress were not followed. It was a case where the executive branch thought that it knew better, and they put up the building which has met with the praise of my friend from Wisconsin [Mr. STAFFORD], though not very generally, however, has it been praised. Certainly it does not harmonize with its surroundings. If the instructions of Congress had been followed, it would have been a great deal better. The two buildings then would have harmonized, and that would have meant a great deal in the beautification of Washington. The architecture that resulted no one has ever found a name for.

Mr. STAFFORD. Mr. Chairman, just a word. As I view these expenditures, they all tend toward wasteful extravagance. I recall the time when the columns of the Treasury Building, which happened to be in sections, when the Treasury was overflowing with money, were taken away and replaced so that the columns could be in one solid piece of granite, at an expense of millions of dollars. I think we could better afford to withhold the \$3,000,000 for changing the façade of the State, War, and Navy Building, and use it for other necessary appropriations, and then if thought best at some time in the future we may have it conform to the architecture of the Treasury Department. I withdraw the reservation of the point of order and move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin withdraws the reservation of the point of order and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 99, line 19, strike out the paragraph from line 19 to line 26, inclusive.

Mr. LOZIER. Mr. Chairman, I rise in support of the amendment of the gentleman from Wisconsin [Mr. STAFFORD].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. LOZIER. Mr. Chairman, if the people of Europe had been as iconoclastic as the modern Washington architects, there would not be a monumental structure in existence between Bordeaux and the Balkans or between the Baltic and the Bosphorus. If modern European architects had been as unappreciative of the monuments that came down to them from former generations as American architects are seemingly unappreciative of our outstanding and historic structures, there would not have been left a single example of medieval architecture between the Orkney Islands and Land's End, between Gibraltar and Copenhagen, between Hamburg and Malta, or between Constantinople and St. Petersburg.

The modern architects have done much to improve architecture and make our buildings more stable, beautiful, and useful. They have utilized the philosophy of utilitarianism in the construction of residential and business structures. They have designed many edifices of surpassing beauty and harmonious proportions. They have conceived and fashioned monuments of exquisite symmetry and comeliness. I would not withhold from the modern American architect the distinction and full measure of honor to which his genius and accomplishments entitle him.

But I can not refrain from saying that some architects are perhaps more destructive than constructive. Some lay ruthless hands on structures that have come down to us from former

generations and that speak eloquently of the culture and attainments of the age that gave them birth. They are legacies from those who preceded us. They typify the conceptions of those who lived in former generations. They embody the ideals and conceptions of beauty, symmetry, harmony, order, and proportions of our forefathers. They are gifts contributed by the never-returning past to the ever-oncoming generations. We should be slow to lay vandal hands on them.

The pending measure, known as the second deficiency appropriation bill, carries an expenditure of over \$69,000,000. Of this amount \$29,000,000 is for public building. Included in these building projects is one for the construction of a new Post Office Department Building, to cost \$10,300,000, after the construction of which the present Post Office Department Building will be torn down.

The destruction of this building has been decreed by the administration forces because it does not harmonize with the æsthetic tastes of a few architectural experts. I am opposed to the demolition of this building. It is one of the most substantial and useful of the many public buildings in Washington. It is probably the most spacious, the best lighted and best ventilated of any of our public buildings. It was erected in 1899, at a cost of \$2,500,000, which would now mean \$5,000,000 when we take into consideration the increased cost of labor and material.

This massive structure is built of Vinalhaven (Me.) granite, on the Romanesque order of architecture, or an adaptation of the Renaissance type. It was designed by the Supervising Architect of the Treasury and is a perfectly good building. There is no more reason why we should demolish this splendid edifice than there is for wrecking the White House and in its place constructing an edifice conforming to the classic Grecian type. This Post Office Department Building will stand for centuries and serve generations yet unborn just as efficiently as the new structure which will be built on classical lines and cost \$10,300,000 of public funds. The only objection to this building is that it is of the Romanesque and not of the classical Hellenic type.

Now, why should the Romanesque style of architecture be prohibited in our public-building operations? It is one of the eight great orders of architecture. It originated in the early part of the eleventh century of the Christian era. It was the most popular type for about two centuries—the greatest castle-building era in the world's history. All over Europe may be found examples of this great type of architecture. Its outstanding characteristics are massive stone construction, round-arched openings, stone vaults or arches, molded and carved jambs and archivolts, small windows, and somber dignity.

There are several distinct types of the Romanesque order of architecture—the Italian, French, English, Norman, German, Rhenish, and Spanish. Kenilworth Castle in England, the Cathedrals of Notre Dame, Durham, Speyer, and Pisa are examples of this Romanesque style. Romanesque architecture reflected the bold and rugged spirit of the age that gave it birth, and there is no reason why we should be ashamed of the Post Office Department Building, which typifies this famous building system.

There are many demands for public buildings from all parts of the United States, and it is a wasteful and foolish policy to tear down perfectly good public buildings simply because they happen to represent an order of architecture that is not now popular with modern architects, the Commission on Fine Arts, and the Public Buildings Commission. I wish the people in your districts could see the present Post Office Department Building or a picture of it; and if they did, I am sure they would not approve your vote to wreck it.

Now, in the consideration of this bill we have reached another paragraph that proposes to lay destructive hands on our State, War, and Navy Building and spend \$3,000,000 in transforming its exterior so that it may resemble the Treasury Building a few blocks away. To my way of thinking, this proposal is outrageous and a wanton destruction of one of our monumental buildings. This structure was designed by A. S. Mullet, Supervising Architect of the Treasury. It cost \$11,000,000. It was completed in 1887, after having been in process of construction 16 years. It is one of the largest public buildings in the world. Its style is Italian Renaissance, the designer, Mr. Mullet, having had a fondness for this type of architecture.

The Library of Congress is said to be one of the most beautiful structures in the world, and it is of the Italian Renaissance type of architecture. The beauty, symmetry, and harmonious proportions of the Library of Congress are probably excelled only by the Taj Mahal, the marble mausoleum at Agra, India, built by the Mogul Emperor, Shah Jahan, in memory of his favorite wife.



The State, War, and Navy Building is probably the most perfect example of the Italian Renaissance order of architecture in America. It is not an ugly building. Hundreds of similar structures in Italy, France, and Spain are venerated and no despoiler's hand will ever demolish them. This building represents one of the eight outstanding orders of architecture which the world has so far produced. From an architectural standpoint its lines are graceful and its details symmetrical. Of course, beauty is essentially a matter of taste and opinion.

There are different conceptions as to what type of building is most attractive. Those who favor the Hellenic order of architecture very naturally fail to appreciate the outstanding qualities of the Romanesque, Saracenic, Gothic, Tuscan, or Renaissance types. What to one man may be a beautiful residence does not necessarily appeal to others. As in nature, we have an infinite variety, so in architecture no one order embodies all that is beautiful, symmetrical, harmonious, or grand.

While my artistic tastes are not cultivated, I can see much to admire in each and every type of architecture. Each embodies exquisite harmony and indescribable grace in some particular. Each system surpasses all others in some respect. Here the column is more graceful, there the capital more richly embellished; here the arch more sublime, there the architrave more rugged; here the frieze more delicate, there the base more sturdy; here the cornice more ornate, there the pediment more beautifully decorated.

The Renaissance order of architecture is that style of building and decoration that originated in the early fifteenth century in Italy. It is based on a modification or adaptation of the Roman-classic orders and design. It spread through western Europe, succeeding the Gothic order. It was the product of the Renaissance period, which marked the revival of European learning, art, and culture, especially a revival of the classical design in letters and art. The Renaissance was the transitional period between the medieval and modern world. In this epoch there was a marked advance in painting, sculpture, and architecture.

This revival was accentuated by the fall of Constantinople, which drove the Byzantine scholars, with their Grecian literature and ideals, into western Europe and was immensely stimulated by the invention of printing and the discovery of America. The term means "a new birth, or revival."

The Renaissance style of architecture for 400 years was the most popular type of construction. A large majority of the famous buildings in Europe, especially in Italy, Spain, France, Belgium, Germany, and England are of the Renaissance type, among which might be mentioned the Ricardo Palace at Florence, the Chateau de Blois, the Louvre, the Tuileries, St. Peter's (Rome), the Luxembourg, the Hotel des Invalides, the Pantheon (Paris), St. Mark's Library (Venice), Blenheim Cathedral and St. Paul's Cathedral (London).

Probably the two greatest architects of all time were Michelangelo, who built St. Peter's at Rome, and Sir Christopher Wren, who built St. Paul's Cathedral in London. In building these monumental structures these eminent architects would not have patterned them after the Renaissance order of architecture had it been an ugly type, as some modern architects would have you believe. I would not consider this historic style of architecture ugly if it satisfied the tastes and aesthetic conceptions of Michelangelo and Sir Christopher Wren.

The State, War, and Navy Building is the one outstanding type of Italian Renaissance architecture in our Capital City, and it should not be despoiled. In the Capital of our Nation it is fitting and proper that we preserve this typical example of a system of architecture that marked the awakening of the world from the lethargy of the Dark Ages.

I do not think that our public buildings should be of one type or follow closely classical lines. I wish that we might have in Washington public buildings representing each of the eight great orders of architecture, with others representing types or modifications of these various systems, so that those who visit our National Capital might see in our public buildings examples of the various styles, orders, types, and systems of architecture. The educational value of buildings of this kind would be incalculable. The men and women and boys and girls who make pilgrimages to the Capital of the Nation could then come face to face with these different types of architecture, and could better understand and appreciate the genius that gave each of them birth.

From a cultural standpoint, what a wonderful city Washington would be if each order of architecture were represented in our public-building program. In the construction of new buildings why not have one example of ancient Egyptian architecture with rock-cut façade, lotus bud and palm columns and capitals proclaiming majesty, solidity, and colossal size; an-

other of the archaic or Doric type, the oldest and simplest of the Greek orders; another typical of the Greek transition type, perchance fashioned after the temples at Aegina, Zeus, or Paestum; or of the Periclean or Ionic type, breathing simplicity, symmetry, and monumental repose, like the Temples of Theseum, the Parthenon, and the Erechtheum, at Athens; or like the Greek-Alexandrian or Corinthian type, ornate and richly decorated, like the Temple of Artemus at Ephesus or the mausoleum at Halicarnassus; or the Greek decadent type, like the temples at Samothrace?

And while we are building, why not have one structure of the Byzantine type, another of the Saracenic, another Gothic. Structures of this kind, typifying the several great styles or orders of architecture, would cost no more and would make Washington the most beautiful and magnificent city in the world.

I call your attention to the architectural features of some of our public buildings in Washington. The Patent Office is of the Grecian-Doric type and the front on F street is an exact reproduction of the front of the Pantheon at Rome. The Treasury Building is of the pure Grecian Ionic order of architecture, with 74 monolithic Ionic columns, modeled after those of the Temple of Minerva at Athens. The Corcoran Art Gallery is of the Neo-Grecian type; the bronze lions at the entrance are duplicates of the Carnova lions from the Tomb of Clement XIII in Rome. The American Red Cross is a classic structure of monumental character, with stately Corinthian pilasters; the Memorial Continental Hall, with its Ionic columns, represents a classic building of the Revolutionary period.

The Pan American Building is of the Mediterranean blend of the Renaissance type, or a combination of the classical Spanish, Italian, and French derivations. The Lincoln Memorial, with its Doric colonnade, is of the classic Grecian-Doric type. The Natural History Building of the National Museum is of the modern classic order, modified by French influence. The old National Museum, though considered an unattractive building, represents the modified Romanesque style. The Freer Gallery of Art is of the Italian Renaissance type. The columns at the Carnegie Institution are Ionic. The Scottish Rite Temple was modeled after the mausoleum at Halicarnassus on the coast of Asia Minor, which was considered by the ancients as one of the seven wonders of the world.

The Interior Building is of the western or modern business type, practically free from ornaments. The Carnegie Library is of Greek and Roman architecture, combining the beauty of the one and the stability of the other. The six Doric columns at the Arlington Mansion were modeled after the Temple of Paestum, near Naples. The Supreme Court room was patterned after an ancient Greek theater. The District Building, with its 16 Corinthian columns, is a structure patterned after the classic order. The Senate and House Office Buildings are of the classic type, as modified by French interpretation. The new Memorial Amphitheater at Arlington is patterned in part at least after the theater of Dionysius at Athens, and the Roman theater at Orange, France. Christ Church in Alexandria, built in 1765, has arches and pediments of the Tuscan order.

On Pennsylvania Avenue, at Seventeenth Street, stands the Court of Claims Building, built in 1859 by William W. Corcoran. It is of the Renaissance style. In 11 niches are statues 7 feet high, of sculptors and artists: Phidias, Raphael, Michelangelo, Dürer, Titian, Da Vinci, Rubens, Rembrandt, Murillo, Canova, and Crawford. In front of this structure is a pair of colossal bronze lions, replicas of the famous lions by Canova at the tomb of Clement XIII in St. Peter's, Rome. I am wondering how long this historic building will escape the vandal's hammer.

The White House is an adaptation of the Italian Renaissance type of architecture and was patterned probably after the palace of the Duke of Leinster, near Dublin, or possibly the Vice Regal Lodge in Phoenix Park, Dublin.

We are going mad in Washington in our efforts to destroy every kind of architecture that does not harmonize with the Grecian classic type. If the architects have their way, future generations will have no examples of the monuments of our earlier times. If these modern iconoclastic architects were transported overseas to Cambridge or Oxford, no doubt they would recommend that these ancient colleges be wrecked and replaced with modern structures, although these buildings are the pride and glory of the English race. If these modern architects were sent to France and given control of building operations, they would no doubt wreck the monumental French buildings which have been the wonder and admiration of the ages and replace them with structures reflecting their conceptions of classic architecture.

Be it said to the everlasting credit of the European people that they have preserved their national monuments. Millions of men and women come from all corners of the earth to look



upon these ancient structures. It is a national disgrace that the American people have not preserved their unique colonial and pre-Revolutionary buildings. In our national existence of 140 years, we have in each decade destroyed the monuments created by those who preceded us. Ours has been a policy of vandalism.

A nation that destroys its ancient monuments will not be respected by posterity. There is no reason why every public building in Washington should be patterned after the Hellenic order of architecture. There should be a diversity of types and not a sameness.

Travelers in Europe who visit the ancient monumental buildings typical of different orders or systems of architecture, when they see the magnificent cathedrals, temples, and public buildings, constructed a thousand years ago, are thrilled with interest and admiration. But in America an iconoclastic spirit is abroad in the land, and there is a tendency to destroy everything that is ancient. I hope this spirit will be confined within reasonable limits, and I do hope that when our public-building program is completed, we will have in Washington examples of every great order and type of architecture.

I am opposed to the remodeling of the State, War, and Navy Building. Its value is now in excess of \$5,000,000. It is in perfect condition, and will stand for centuries. As an outstanding example of the Renaissance order of architecture, it should be preserved. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. STAFFORD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 17, yeas 42.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Construction of buildings, utilities, and appurtenances at military posts: For the construction of barracks at Fort McKinley, Me., in accordance with the act approved May 13, 1930, to remain available until expended, \$50,000.

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. COLLINS: Page 101, line 25, before the period insert:

"Provided, That no appropriation for the fiscal years 1930 and 1931 that may be available for the purchase of wooden furniture for Army barracks, quarters, or other buildings shall be expended for such furniture not wholly constructed out of wood grown in the United States."

Mr. WOOD. Mr. Chairman, I make a point of order against the amendment.

Mr. COLLINS. I hope the gentleman will accept that amendment.

Mr. WOOD. No. We can not accept the amendment.

Mr. COLLINS. It is not subject to a point of order because it is a limitation upon an appropriation.

Mr. WOOD. I will state the point of order, Mr. Chairman. This is a limitation upon an appropriation in other bills than this bill.

The CHAIRMAN. The Chair will state that the amendment as offered relates to appropriations for the fiscal years ending 1930 and 1931. That might be elsewhere than in the pending bill. Therefore the Chair will sustain the point of order.

Mr. BARBOUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Barbour: Page 101, after line 25 insert:

"That no construction shall be undertaken on that part of Governors Island west of a line running in a northwesterly and southeasterly direction across the island, and coinciding with the western faces of the two wings of the new barrack buildings."

Mr. LAGUARDIA. Mr. Chairman, reserving a point of order—

Mr. STAFFORD. I reserve a point of order, Mr. Chairman.

Mr. LAGUARDIA. Mr. Chairman, I would like to ask the gentleman from California, if this amendment in any way does any more than what was presented to the gentleman from Cali-

fornia when I was present, providing for the 14 feet on one of the wings of the main barracks?

Mr. BARBOUR. It permits them to move the buildings up 14 feet, so as to align them with the wings of the main barracks. As it is now, under the existing law, they would have to keep them back 14 feet.

Mr. LAGUARDIA. If the gentleman will recall, there was a mistake made in the measurements—

Mr. BARBOUR. Three hundred feet instead of 314. It should have been 314 feet.

Mr. LAGUARDIA. That is just the one wing? You are not going to bring all your buildings up to that, are you?

Mr. BARBOUR. Not all of them, but it permits them to build up to that line. The amendment that was offered by the gentleman from New York to the War Department appropriation bill provided that no construction should be at a distance of more than 300 feet westerly from the front line of the barracks building. Now, this permits them to line them up with the wings of the building, which extend 314 feet back from the front line of the building.

Mr. STAFFORD. Will the gentleman yield?

Mr. BARBOUR. Certainly.

Mr. STAFFORD. Has the proposed amendment the support of the War Department?

Mr. BARBOUR. Oh, yes.

Mr. LAGUARDIA. Yes. It is at their request. Some of us are trying to preserve Governors Island, as it will be used eventually, for a terminal airport, a landing spot. As soon as the General Staff heard of this movement they started building all over the island. In order to prevent that a dead line was drawn across the island, south of which no buildings can be constructed. The engineers, I will not say the engineers of the Army, in measuring it made a mistake of 14 feet, and, as I understand, this will simply permit the two wings of this building, that have been constructed, to remain there lawfully. I did not understand they were going to build a whole string of buildings down there.

Mr. BARBOUR. No. There is a hospital building which they are erecting near-by, and if this provision is not made and, under the law as it now stands, they will have to move it back 14 feet, out of alignment. They desire to build it on a line with the rear ends of the wings of the barracks building. There will be no building built west of a line running in a northwesterly and southeasterly direction across the island, and coinciding with the western faces of the two wings of the new barrack buildings.

Mr. STAFFORD. This conforms to and carries out the idea of the gentleman from New York, the author of the original amendment?

Mr. BARBOUR. Yes.

Mr. LAGUARDIA. And does not propose to encumber the lower end of the island any more than is estimated here?

Mr. BARBOUR. No.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. LAGUARDIA. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The Chair will suggest that the form does not quite fit the place at which it is offered.

Mr. BARBOUR. I had intended to offer it on the next page, but it seemed that this was the proper place to offer it.

The CHAIRMAN. If it were preceded by a reference to Governors Island, leaving out the word "that," the Chair thinks it might be better.

Mr. BARBOUR. Very well. I will modify the amendment to that effect.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read the amendment, as follows:

Amendment by Mr. BARBOUR: Page 101, after line 25, insert a new paragraph as follows:

"Governors Island, N. Y.: No construction shall be undertaken on that part of Governors Island west of a line running in a northwesterly and southeasterly direction across the island and coinciding with the western faces of the two wings of the new barracks building."

The amendment was agreed to.

The Clerk read as follows:

Marker at New Echota, Ga.: For every expenditure requisite for or incident to the erection of a marker upon the site of New Echota, capital of the Cherokee Indians prior to their removal west of the Mississippi River, in accordance with the provisions of the act approved May 28, 1930, \$2,500, to remain available until June 30, 1931.



Mr. WOOD. Mr. Chairman, I offer a committee amendment. The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Wood: Page 106, after line 4, insert:

"Marker or tablet to Col. Benjamin Hawkins: For every expenditure requisite for or incident to the erection of a marker or tablet in Crawford County, Ga., commemorating the life and public service of Col. Benjamin Hawkins in accordance with the provisions of the act approved May 22, 1930, fiscal years 1930 and 1931, \$2,500."

The amendment was agreed to.

The Clerk read as follows:

#### PANAMA CANAL

Maintenance and operation: Toward the construction of a ferry and a highway near the Pacific entrance of the Panama Canal as authorized by the act approved May 27, 1930, \$500,000, to remain available until expended.

Mr. THATCHER. Mr. Chairman, I move to strike out the last word. In doing so I ask unanimous consent to extend my remarks in the RECORD upon this bill, especially on the item just read, relating to the construction of a ferry and highway across the Panama Canal, as authorized by the act approved May 27, 1930, and to include as a part of my remarks quotations from the hearings on that act and quotations from the report of the House Committee on Interstate and Foreign Commerce reporting the bill; also a cablegram received by me from the President of Panama touching the enactment of said measure, and my response thereto.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Chairman and members of the committee, the second deficiency appropriation bill for the present session of Congress is a very important one. It carries appropriations for various departments of the Government and for many of the independent establishments. At this time I venture to call attention of the House to certain items of appropriation carried in the bill which may be of interest.

#### TOPOGRAPHIC SURVEY OF THE MAMMOTH CAVE NATIONAL PARK

One of the items carried by the bill is the following:

##### Geological survey

For a topographic survey of the proposed Mammoth Cave National Park in the State of Kentucky, for expenditure by the Geological Survey under the direction of the Secretary of the Interior, including personal services in the District of Columbia and elsewhere; the computation and adjustment of control data; the office drafting and publication of the resulting maps; the purchase of equipment; and for the securing of such aerial photographs as are needed to make the field surveys, fiscal years 1930 and 1931, \$25,000.

This appropriation is being made to cover the cost of a topographic survey of the Mammoth Cave National Park area in the State of Kentucky. In May, 1926, Congress enacted a measure, of which I had the honor to be the author, authorizing the creation of this national park upon condition that the necessary cave properties and lands be conveyed to the Federal Government without cost to it. As I have heretofore indicated to the House at the present session, by popular subscription and by the enactment of legislation by the General Assembly of the State of Kentucky the necessary funds have been provided to cover the cost of this property, and the same is in the process of being purchased and otherwise acquired for national-park purposes. The maximum boundary under the act of Congress referred to is 70,618 acres, the same to include the original world-famed Mammoth Cave and the various other great cave units of that section.

In order to have the boundaries laid down with sufficient accuracy to enable the purchase of the necessary surface lands, it appears to be necessary to have a topographic survey made of the general area involved. To this end recently I made request of the Interior Department, the National Park Service, the Geological Survey, and the Southern Appalachian National Park Commission that there be submitted to the Bureau of the Budget the necessary item for the appropriation which will be required for this survey; and then aided in presentation of the item to the officials of the Bureau of the Budget. Thereupon, the Bureau of the Budget and the President, in due course, submitted the estimate to Congress with recommendation for such appropriation to be made in the sum of \$25,000; and, accordingly, it has been included in this appropriation bill.

I need not repeat what I have heretofore said on the floor of the House concerning the great benefits which will be derived

by our people through the establishment of the Mammoth Cave National Park. It is sufficient to state that I have every reason to believe that within a comparatively short time this great scientific recreational area, containing, as it does, the most extensive cavern systems in the world, will be thrown open to the public under the very efficient supervision of the National Park Service, and that thereupon, with the improvements which will take place under that supervision, it will become the most popular of all our national parks.

#### PANAMA CANAL FERRY-ROADWAY

Mr. Chairman and members, I call attention to another item carried in the pending appropriation bill, as follows:

##### The Panama Canal

Maintenance and operation: Toward the construction of a ferry and a highway near the Pacific entrance of the Panama Canal, as authorized by the act approved May 27, 1930, \$500,000, to remain available until expended.

This item is also a very important one. It was my pleasure to introduce and press to enactment the act of May 27, 1930, referred to in the appropriation item.

Under authority to do so, I include as a part of my remarks touching this item, quotations from the hearings on the bill (H. R. 4293) before the House Committee on Interstate and Foreign Commerce on December 28, 1929, and also certain portions of the committee's favorable report on the measure. I believe that they may prove of interest.

The following quotations are from the committee hearings:

STATEMENTS OF HON. MAURICE H. THATCHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY, AND COL. HARRY BURGESS, GOVERNOR OF THE PANAMA CANAL

Mr. DENISON. We will now take up the bill H. R. 4293, introduced by Mr. THATCHER, to provide for a ferry and a highway near the Pacific entrance of the Panama Canal.

The bill referred to is as follows:

[H. R. 4293, 71st Cong., 1st sess.]

"A bill to provide for a ferry and a highway near the Pacific entrance of the Panama Canal

"Be it enacted, etc., That the Governor of the Panama Canal, under the supervision of the Secretary of War, is authorized—

"(a) To establish, maintain, and operate, near the Pacific entrance of the Panama Canal, from a point at or near Balboa on the eastern side of the canal to a suitable point on the opposite shore of the canal, a ferry for the accommodation of the public and adequate to serve military needs, and for such purposes is authorized to acquire such ferryboats and other equipment, and to construct and maintain such wharves, docks, and approaches, as may be necessary; and

"(b) To construct and maintain a highway for the accommodation of the public and adequate to serve military needs, to extend from the western terminal of such ferry to a point at or near the town of Arraijan at or near the Canal Zone line.

"SEC. 2. (a) The Governor of the Panama Canal, subject to the approval of the Secretary of War, is authorized to make rules and regulations governing the operation, use, and maintenance of the ferry, equipment, wharves, docks, and approaches established, acquired, and constructed under this act. Any person violating any such rule or regulation shall be punished by a fine of not to exceed \$100 or by imprisonment for not to exceed 30 days, or by both such fine and imprisonment.

"(b) The ferry and highway provided for by this act shall be operated and maintained free of tolls.

"SEC. 3. There is hereby authorized to be appropriated the sum of \$1,000,000, or so much thereof as may be necessary, to establish the ferry and construct the highway provided for by this act, and there are authorized to be appropriated annually such sums as may be necessary to carry out the provisions of this act."

Mr. DENISON. The purpose is to provide means by which Panamanians can cross from one part of their country to the other, which they do not have now. Governor, we will be glad to have you make a statement on this bill, giving the committee the benefit of your views and recommendations in respect thereto.

Colonel BURGESS. The Canal Zone, as you know, cuts the Republic of Panama half in two. The city of Panama is east of the canal, while the bulk of the agricultural section of Panama is west of it. The United States has never provided a suitable crossing over the zone to connect with the improved roads of Panama and with the city of Panama. In other words, we have a very poor trail that has been somewhat improved connecting the town of Paja with the city of Panama, and a very inadequate ferry service. In fact, the ferry service consists of an old barge towed by a gasoline launch. As a matter of duty, or moral obligation, the United States should provide a connection between the improved roads of the Panama Republic, so that the



eastern half of the Republic can be in contact with the western half. To this end we should provide a suitable ferry service. There have been constant demands for the erection of a bridge, these demands coming both from Panamanian organizations and American organizations. They believe that a ferry service is inadequate; but, in my opinion, for the present volume of traffic a ferry service is adequate. Doubtless, if Panama had had improved roads at the time the canal was constructed there would have been included in the treaty a proviso that the United States should provide a suitable crossing over the 10-mile strip that we took out of the very center of the Republic of Panama. However, at that time there was nothing but trails leading across, and nobody thought about it. This is something that has been recommended by my predecessors, and I have repeatedly recommended it myself.

Mr. DENISON. You referred to the matter of road construction by the Republic of Panama. What has been done in that direction?

Colonel BURGESS. The Republic of Panama has borrowed I do not know how many millions of dollars in the United States, and has issued bonds to secure the loans. The bulk of that money has been put into an improved road system, especially in the section west of the Canal Zone. The city of Panama is right on the border of the zone.

Mr. THATCHER. I have a map of Panama here, and the governor can explain it better by reference to the map.

Colonel BURGESS. The city of Panama is located here [indicating], and between there and Arraijan, which is the next town in the Republic of Panama, there is no connection. There is no connection between the town of Arraijan and Panama at all. The little town of Paja is up in here [indicating], and from that town there is a road leading to Pedro Miguel, where we maintain a very inadequate ferry service across the canal. The distance from there to the city of Panama is long, and the ferry service is poor. The road they have to use to reach the ferry is unsatisfactory. The bill contemplates a route from Panama to Balboa, with a ferry across the canal at Balboa, and a road from there to Arraijan, connecting up with the improved road system of the Republic of Panama.

Mr. DENISON. About how many miles is that you have indicated?

Colonel BURGESS. About seven and a half miles.

Mr. DENISON. At Arraijan you would connect up with the road system of the Republic of Panama.

Colonel BURGESS. Their system of roads is west of here [indicating]. Here [indicating] is the road from Arraijan to Chorrera. Here [indicating] is where they end, but the Republic of Panama has already graded a new highway from Chorrera to Arraijan. However, there would be no purpose to be served in paving that road until we get this connection. At present all the traffic west of here [indicating] goes by way of the little town of Paja over old roads. This [indicating] is an old road from Paja to Pedro Miguel and then from Pedro Miguel to Panama City.

Mr. DENISON. You stated that the Republic of Panama had borrowed money for the construction of roads. To what extent have they been doing that sort of work?

Mr. THATCHER. There are about 250 miles of roadway that have been constructed by the Republic of Panama, beginning at the zone line here [indicating], coming by way of Chorrera and San Carlos, then on down here [indicating] near the coast, and then up into the interior via Agua Dulce and Santiago to a point beyond Sona, with a branch road leading from Agua Dulce via Los Santos and Los Tablas to the port of Senabe on the Pacific coast; in all, an improved highway system of about 250 miles. The Panamanian Government is also engaged in the construction of a continuation of this road system from Sona [indicating] so as to connect with David and the Boquete region, which is a high country, where they raise coffee of very high grade. It is a mountainous section, comparable to the Costa Rica coffee country. This road system leads through a cattle district, and back up in the hills here [indicating] is a coffee district. This section [indicating] is the granary of the Republic of Panama, and, of course, so far as the Panama Canal is concerned and from the standpoint of all of our Canal Zone activities, it is very important to keep this contact between the two sections clear. So far as the Canal Zone is concerned, it is important that this connection be maintained in good condition.

Mr. LEA. How far is the western terminus of this proposed road from the western boundary of the Republic?

Mr. THATCHER. It is close to the Costa Rican boundary and near the western or northwestern boundary line of the Republic of Panama. At present there is an improvised ferry at Pedro Miguel. Of course, necessarily its operation interferes more or less with the locking of ships through the Pedro Miguel Locks.

Colonel BURGESS. The locking of ships interferes with the operation of the ferry, because we make the ferry service conform to the operation of the ships. Consequently there has to be an interruption of the ferry service.

Mr. THATCHER. For several hours a day there is practically no ferry service.

Colonel BURGESS. When we come to Balboa Harbor, there is plenty of room for the operation of the ferry service.

Mr. THATCHER. The estimated cost of operating the ferry is about \$45,000 per year.

Mr. LEA. The ferryboats would be self-propelled?

Colonel BURGESS. Yes, sir; they would be Diesel ferryboats.

Mr. LEA. Is there one ferry across the canal now?

Colonel BURGESS. The present ferry is a barge towed by a gasoline launch.

Mr. LEA. You have a ferry at only one location at the present time?

Colonel BURGESS. Yes, sir; and it is a very inadequate service.

We are proposing to construct two ferryboats at a cost of \$250,000 for the two. The ferry slips, including the road approaches to the ferry slips, will cost \$165,000. The grading of 7.2 miles of road, including culverts, will cost about \$242,000, and the concreting of the roadway will cost about \$343,000, giving a total cost of approximately \$1,000,000. That is as near an estimate as we can give at the present time.

Mr. LEA. How much of a population will use that road?

Colonel BURGESS. Panama has a population of somewhere in the vicinity of from 450,000 to 500,000 people. The cities of Panama and Colon contain a population of about 110,000. Then there are some people who live east of the canal; I do not know just how many there are of those. Practically all of the farming district is west of the canal.

Mr. LEA. Roughly, 250,000 people will use it?

Colonel BURGESS. Roughly, that number; yes, sir.

Mr. LEA. And Panama is the main location, politically and economically, is it not? It has a very central location?

Colonel BURGESS. Yes; Panama is the capital and also the industrial center of the Republic. But the farm products and the cattle products are all, or practically all, raised west of the canal.

Mr. DENISON. What is the attitude of the people of Panama with reference to this? Do they feel very forcefully on the matter?

Colonel BURGESS. I think they have resented very greatly the failure of the United States to give adequate crossings over the Canal Zone for many years after it has been requested.

As I said in the beginning, there were no roads leading up to the zone, and nobody apparently expected it. At that time what movement of freight there was was from the farms by road to the small coast towns and then by boat to the Republic of Panama. But the improvement of the roads in the Republic and the introduction of trucks has made the movement of freight now parallel with the axis of the Isthmus, instead of down to the coast and thence by boat.

Mr. LEA. If the time should come when we have a highway to connect our country with South America, would this line be a link in the chain?

Colonel BURGESS. Yes, sir. I might say that the American Road Congress has passed resolutions on several occasions demanding that the United States build a bridge across the canal, with suitable road connections, but the cost of that would be very great, because the bridge would have to be high enough to clear the highest ships that go through the canal.

Mr. DENISON. And there are other objections to the construction of such a bridge?

Colonel BURGESS. Yes; there is an objection from the standpoint of sabotage at any time, but particularly in time of hostilities, whereby the bridge might be precipitated into the canal by an explosion just prior to the passage of our fleet, which would involve a very great danger. Even in time of peace it would be inadvisable, with the amount of traffic we need to take care of.

Mr. DENISON. How is the work progressing on the road to the Alhajuela Dam?

Colonel BURGESS. The road from Balboa to Summit is an old road, and from Summit to Alhajuela, about 12½ miles, the road is completely graded and all the culverts and bridges have been erected. We expect to begin concreting that road as soon as the dry season definitely sets in. The road should be finished and ready for service by the 1st of July.

Mr. DENISON. Then the work on the dam will be commenced, I assume.

Colonel BURGESS. We can not begin work on the dam with the appropriation we have asked for for this year.

Let me recall to your mind the fact that Governor Walker asked for \$3,000,000 for the fiscal year 1930, and the Bureau of the Budget reduced that to \$1,000,000. That \$3,000,000 was intended to complete all preparations for the actual construction of the dam, with a view to beginning the work on the 1st of July, 1930.

But because of the fact that the amount of money was reduced so much we have been forced to set the beginning of construction for July 1, 1931; in other words, we have added one year to the preparation period.

Mr. DENISON. There has been a bill introduced by Congressman THATCHER.

Mr. THATCHER. To bring out more clearly the military value of this road to the United States Government, permit me to suggest that this bill provides that the proposed ferry, and the proposed road from the western terminal of the ferry to Arraijan, must serve the military



needs of the United States, and in the governor's report on the subject he refers to that, and I think he might say something in reference to it.

Mr. DENISON. If the governor wishes to express any opinion here, we will be glad to hear him.

Colonel BURGESS. A road of some sort is absolutely essential for the defense of the canal, and the better the road the more easily will the defense of the canal be maintained.

The Army, in time of war, can, if necessary, build its own roads; but this will give it a road already constructed.

As part of the defense plans of the canal there are certain military maneuvers each year in the dry season, and the road would be very useful in connection with those maneuvers, and in time of war a road is absolutely essential.

Mr. THATCHER. The ferry, of course, would serve the same purpose.

The committee, I believe, has a letter addressed to the chairman of the full committee from the Secretary of War, dated November 11, 1929, and I would like to have that letter inserted in the record.

Mr. DENISON. Very well. It may be inserted at this point.

(The letter referred to is as follows:)

WAR DEPARTMENT,  
Washington, November 11, 1929.

Hon. JAMES S. PARKER,

Chairman Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D. C.

DEAR MR. PARKER: Referring to the request of your committee dated October 7 for a report on the bill (H. R. 4293), entitled "To provide for a ferry and a highway near the Pacific entrance of the Panama Canal," and to my acknowledgment of October 12 stating that the bill was being referred to the Governor of the Panama Canal for his comments, there is quoted below a self-explanatory letter dated October 25 received from Governor Burgess regarding this proposed legislation:

"The receipt is acknowledged of your letter of October 12, with inclosures, relative to the request of the Committee on Interstate and Foreign Commerce for a report on the bill (H. R. 4293) 'To provide for a ferry and a highway near the Pacific entrance of the Panama Canal.'

"The need for an adequate and permanent ferry of this kind is of long standing. Its installation and the construction of the highway referred to in the bill would provide vastly improved and necessary transportation facilities between the Pacific side of the Isthmus and the interior Provinces of the Republic of Panama. Important military purposes would likewise be served. Aside from these considerations, it is my opinion that there is a moral obligation on the part of the United States to give to Panama a suitable highway across the Canal Zone and convenient and adequate ferry service.

"During the past few years the Republic of Panama has constructed an excellent system of improved roads throughout its Provinces west of the Panama Canal. At the present time the connection between these roads and Panama City, the capital of the Republic, is maintained through a barge ferry, towed by a tugboat, operated by the Panama Canal at Pedro Miguel Locks. This is an extremely unsatisfactory arrangement, as Pedro Miguel is approximately 8 miles from Panama City. Aside from this it is necessary for the road on the west side of the canal to follow a tortuous and lengthy detour in order to connect with the ferry at Pedro Miguel Locks. On the other hand, the highway proposed in H. R. 4293 would follow a practically straight course from the Pacific entrance of the canal to where it would connect with the main highway near Arraijan.

"In addition to its inaccessibility, the site of the present barge ferry at Pedro Miguel Locks is unsuitable for military reasons as a site for a permanent ferry. The locks constitute the sensitive points in the defense of the canal and any damage sustained by them in time of war might precipitate a critical situation. If civilian traffic is allowed to cross the canal at or near the locks, the difficulties of effective protection would be vastly increased.

"The project has been under consideration for some time and preliminary surveys and estimates have been made. A blue print showing the most suitable location for the ferry and also the route of the proposed highway is forwarded herewith. The estimates show that the total cost of the highway, ferry slips, and ferry boats would be approximately \$1,000,000. This would be divided as follows:

(a) Cost of 2 ferries (1 in reserve during wet season), each with a capacity of 32 average motor vehicles.....	\$250,000
(b) Cost of ferry slips (\$105,000), including road approach to ferry slip on east side (\$22,000) and dredging channels to ferry approaches (\$38,000).....	165,000
(c) Cost of grading, including culverts, of 7.2 miles (38,000 feet) of road.....	242,000
(d) Cost of concreting roadway.....	343,000
	1,000,000

"The cost of maintaining and operating the ferry is estimated at \$45,000 per year.

"The project has the approval of the State Department and the Secretary of War, and it has been urgently desired by the Republic of Panama for several years. The bill introduced by Mr. THATCHER covers

the project completely, and is indorsed by me as being entirely satisfactory in every way in so far as the canal administration is concerned."

The blue print referred to in the foregoing is inclosed herewith.

In connection with the last paragraph of the governor's letter, quoted above, the interest of the State Department in this project was brought to my attention in a letter dated June 14, 1929, reading as follows:

"I am informed that the Governor of the Panama Canal proposes to present in the near future a recommendation for an appropriation which will permit the establishment of an adequate ferry across the Panama Canal to connect Panama City with that portion of the Republic lying to the west of the Canal Zone. I should like in this connection to express this department's interest in the governor's proposal and its hope that the appropriation referred to may be approved by Congress.

"During the past few years the Republic of Panama has constructed an extensive system of improved roads in the Provinces lying west of the Panama Canal, and it has naturally desired to connect these roads with the capital through the Canal Zone. The new highways are of relatively little value until such connection is provided. This matter, as you know, was dealt with in the treaty negotiated with Panama in 1926, but this treaty has not yet been ratified by either Government.

"As the Panaman Government can not establish land communication between the two halves of the Republic except through the Canal Zone, I feel that this Government, in view of the cession of the zone by Panama to the United States and in view of our interest in promoting the welfare and prosperity of Panama, should cooperate to make such communication possible. I have the honor to express the hope, therefore, that the proposal of the governor may be carried into effect."

In view of the comments of Governor Burgess, and the indorsement of the State Department, I favor the passage of legislation along the lines of H. R. 4293, and recommend that your committee make a favorable report on the bill.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President.

Sincerely yours,

JAMES W. GOOD, Secretary of War.

Mr. THATCHER. It will be noted that in this letter full approval of the bill, as drawn, is given not only by the Secretary of War and by Colonel Burgess, the Governor of the Canal Zone (his letter being quoted at length), but there is also set forth a statement from the State Department expressing its approval of the bill. The letter of the Secretary of War, it will be noted, also indicates that the proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President. Therefore the proposed legislation has the approval not only of the Canal Zone officials but also of the War Department, the State Department, the Budget Bureau, and incidentally, of course, of the President, as not being in conflict with his financial program.

Mr. MILLIGAN. Did Mr. McDonald, of the Bureau of Public Roads, approve it?

Mr. THATCHER. No; it has not gone to the Department of Agriculture. There is no reason why it should go there. The Panama Canal is under the supervision of the Secretary of War.

Now, anyone who has been in the Canal Zone can see the great importance of this ferry and road. The ferry at Pedro Miguel is an obstruction to the transiting of ships there, which means, of course, an imperfect ferry service. There are several hours every day when you can not cross there on this ferry, because it can not be operated at the time when ships are being transited through the locks. This ferry is located above the locks and is on the "cut" side of the canal. The elevation is 85 feet above the sea there, and it is not a proper place for a ferry. Now, this ferry service, if established at Balboa, at the Pacific entrance of the canal, will be a continuous service for all practical purposes. It will not interfere with shipping, but it will be like a ferry in New York Harbor in tidal waters.

Mr. HOCH. Is the present ferry operated by the Government?

Mr. THATCHER. Yes; it is a free ferry, and this will be a free ferry, too. It will be operated in such a way as not to interfere with the operation of the canal.

Mr. HOCH. What is the estimated operating cost of the ferry?

Colonel BURGESS. About \$45,000 a year.

Mr. THATCHER. The statement I referred to awhile ago, and included in the letter of Governor Burgess, quoted by the Secretary of War, sets out in detail the items that go to make up the estimated cost of the ferry, amounting to about \$415,000, I believe; and about \$585,000 for the roadway. I think that the roadway, like the proposed ferry service, is of the utmost importance, because there is no roadway contact at the present time from Balboa across the canal and across zone territory to the western portion of the Republic of Panama. This projected road makes a much shorter route there. The Panaman Government is building several miles of roadway from Chorrera to Arraijan, to connect its present system with the roadway that we propose to build to Arraijan. They will connect that roadway up with their system of highways, extending for 250 miles now, and ultimately and within a short time



(perhaps in a year or so) for more than 400 miles. I think that from a military standpoint this project is highly important to the United States, because this roadway system penetrates the agricultural portion of the Republic, the coffee-producing section and the cattle-producing section.

For that reason I think that in time of war or in time of other emergency, when we might have to draw a certain amount of supplies from this local source, this ferry and road system will be of the greatest importance. Also from a strategic standpoint this road and ferry will have undoubted military value. Even in times of peace they will be important, because cattle procured in the western portion of the Republic of Panama may be slaughtered in the Canal Zone, in the city of Panama, and the city of Colon for the use of the shipping passing through the canal and for the use of the canal and Panama Railroad employees. The same statement applies to coffee and other products of the western section of the Republic. This proposed roadway would also be useful for general military purposes, as Governor Burgess has pointed out, especially in the dry seasons, when the military forces can be deployed over all these roads in making expeditions for the purpose of gaining information and experience.

There has been some suggestion of constructing a tunnel under the canal, but I understand that the cost of that would be very high, running to perhaps four or five million dollars. In view of the great cost, that would hardly be satisfactory, and a ferry seems to be the best solution of the problem.

I believe that the Panamanian people, the public officials, and others down there feel that the proposed ferry and roadway would constitute a happy solution of the problem, and I am sure they would very much like to see this measure enacted. Since we have cut in two the Republic of Panama, by means of the Panama Canal and the Canal Zone, I consider that there is a moral obligation resting upon us to permit the people of Panama to have this contact between the two sections of the Republic. The establishment of this ferry and the building of this roadway will constitute, as I see it, a simple act of justice to the Panamanian people with adequate benefits to ourselves.

Mr. HOCH. Was the omission of any provision for traffic across the Canal Zone in the treaty due to the fact that the traffic was largely by water?

Mr. THATCHER. There is traffic across the zone where we have roads now. There is free traffic.

Mr. HOCH. I am talking about traffic across the canal.

Mr. THATCHER. There is a ferry at Pedro Miguel now. Of course, that goes across to the west side. It is a free ferry.

Mr. HOCH. But I understood that there was no provision in the treaty for that.

Mr. THATCHER. There was no specific provision for it in the treaty. I think perhaps that was largely due to oversight. Everything was done in a hasty manner in November, 1903, when the Republic of Panama was formed and when it seceded from the Colombian Confederation. That was when the treaty was made.

Mr. DENISON. Practically the only method of transportation then was by water.

Mr. THATCHER. Yes; there were no roads at all then. Now, when the Republic of Panama is showing such a liberal spirit in the establishment of a road system, I think we should connect up with that system by providing this ferry and the 7.2 miles of proposed zone roadway. Thus will be provided the connecting link.

In this general connection I desire to submit herewith a letter from Dr. R. J. Alfaro, the Panamanian minister to the United States:

LEGACION DE PANAMA,  
Washington, January 10, 1930.

Representative MAURICE H. THATCHER,  
House Office Building, Washington, D. C.

MY DEAR MR. THATCHER: With reference to our pleasant conversation over the telephone a few days ago, and to the map I sent you showing road development in the Republic of Panama, I take pleasure in transmitting to you the following additional information which I have just received from Panama:

There have been completed already 450 kilometers of improved highways and 300 kilometers of main thoroughfares are under construction. Besides this there are 200 kilometers of sectional country roads which are being improved gradually.

The total amount expended by the Republic of Panama up to the end of the last year is 12,500,000 balboas (dollars), a sum which includes 2,600,000 balboas from the last loan.

The work on the main highway to David and the highlands of Chiriqui is progressing in a satisfactory manner. It is expected that automobiles will be able to reach David in March, 1931, that regular traffic will be established in 1932, and that this highway will be finished by 1933, thus completing the largest national longitudinal link in the future Pan American highway.

I avail myself of this opportunity to express once more to you the deep gratitude of my Government and myself for the interest you are taking in seeing that we may reap all of the benefits that are to be expected from our road development through an easy and efficient com-

munication across the Canal Zone, and with renewed assurances of my highest consideration, believe me, my dear Mr. Thatcher,

Very sincerely yours,

R. J. ALFARO, Minister.

As indicating the views of the Panamanian Government touching the desirability of enacting this ferry-road bill (H. R. 4293), I desire to insert in the record the following letter received by me from the present President of the Republic of Panama, Hon. F. H. Arosemena:

REPUBLICA DE PANAMA,  
PRESIDENCIA,  
Panama, October 31, 1929.

Hon. M. H. THATCHER,

Washington, D. C.

MY DEAR MR. THATCHER: I acknowledge the receipt of the information you have sent me concerning the proposed law for the construction of a permanent ferry across the canal, which is a necessity, and whose realization will be of positive benefit to my country.

I thank you heartily for all you may do to further the success of this proposed law, and I assure you of the eternal gratitude of the citizens of Panama.

Most sincerely, your friend,

F. H. AROSEMENA.

Mr. DENISON. What was your official connection with the canal?

Mr. THATCHER. I was a member of the Isthmian Canal Commission, and was the head of the department of civil administration of the Canal Zone during the years 1910, 1911, 1912, and 1913. In that way I had direct contact with many of these problems.

Mr. DENISON. Governor Burgess, you started to make a statement.

Colonel BURGESS. The necessity for the ferry did not become apparent until about 1923. It was established at Pedro Miguel by the Army in 1924, and after the Army ceased to operate the canal. It costs about \$30,000 a year for the operation of this makeshift ferry.

Mr. MILLIGAN. How many ferries do you have on the canal now?

Mr. THATCHER. Just one at the Pedro Miguel Lock. The proposed ferry at Balboa will abolish that ferry.

Mr. MILLIGAN. You will have but one ferry.

Mr. THATCHER. Yes. I think it should be operated free of tolls, and the bill so provides; and that it should be under the control of the canal authorities. Of course, it will be administered in such a way that traffic on the canal will not be interfered with. You know, of course, that there are adequate roadways leading from Panama City and Ancon, through Balboa, to the Balboa Docks at the Pacific entrance to the canal.

Mr. DENISON. We thank you very much, Mr. THATCHER, for your statement.

The following is from the committee's report:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4293) to provide for a ferry and a highway near the Pacific entrance of the Panama Canal, having considered the same, report thereon with a recommendation that it pass.

After the passage of the original act of Congress authorizing the acquisition of territory from the Republic of Panama and the construction of an interoceanic canal therein, a treaty was made between the United States and the Republic of Panama by which the United States acquired a strip of land across the Isthmus of Panama, connecting the Atlantic and Pacific Oceans, 10 miles wide, being 5 miles on each side of the proposed canal. There were reserved to Panama out of this 10-mile strip the territory then comprising the city of Colon on the Atlantic side and the city of Panama, the capital of the Republic, on the Pacific side. At that time, 1904, practically the only method of transportation in the Republic of Panama was by ships and other small watercraft that traveled along the coast of the Republic on both the Atlantic and Pacific sides.

In negotiating the treaty with Panama no provision was made for allowing the inhabitants of Panama to cross the Canal Zone from one part of the Republic to the other. The canal and the Canal Zone which passed under the jurisdiction of the United States completely divided the Republic of Panama into two divisions and no arrangements were made for those on either side of the Republic to reach the other side except by boat. This was evidently an oversight, and was due, no doubt, to the fact that at that time there were no improved highways or railroads in the Republic of Panama; motor transportation had not been far enough developed, nor had it reached the Republic of Panama in any form. The people of Panama had always depended upon intercoastal water craft for travel and for the transportation of their products.

But in recent years the Government of the Republic of Panama has been expending large sums on internal improvements. They have built some railroads into the interior, and for several years have been constructing improved highways from various cities and villages in the interior to the capital of the Republic. But, of course, they can not construct roads over the 10-mile strip under the jurisdiction of the United States, nor have they any method of crossing the canal to



reach Panama City except by a rather antiquated barge ferry and tug boat which our Government has been furnishing and operating free just above the Pedro Miguel Locks. With the construction of improved roads into the interior of the Republic and the agricultural development that has followed such construction, travel to and from the capital has increased to such proportions that the present ferry service is wholly inadequate to take care of the traffic. Moreover, the maintenance of this barge-ferry service just above the locks is objectionable for other important reasons.

For several years negotiations have been conducted between our Government and the Government of Panama with a view to providing a crossing of the canal and the Canal Zone, but no definite arrangements have yet been made. The Government of Panama has urged very forcefully the necessity of providing this crossing for their people; and the State Department of our Government has recognized the moral obligation on the part of our Government to afford this facility to the people of Panama. The Government of Panama has urged that an improved road be constructed by our Government leading from the canal to connect up with the improved roads of the Republic, and that a bridge be built over the canal. For military and other reasons the United States is unwilling to have a bridge constructed over the canal. In the event of war such a structure could be easily destroyed and the transit of our fleet through the canal could be indefinitely delayed. The alternative is to provide a suitable modern ferry to be installed for crossing the canal at a point where it would be least objectionable from a military point of view, and most advantageous to the people of the Republic of Panama desiring to cross the canal in order to reach their capital.

The Republic of Panama has constructed something over 250 miles of improved highways leading from the Canal Zone back into the interior where several towns are located. They have planned and will soon begin the construction of a continuation of this road farther into the interior to connect up with an agricultural section where a great deal of coffee and other agricultural products are produced.

The committee feels that the United States should construct across its own territory, a distance of about 8 miles, an improved road to connect with the improved highways of the Republic of Panama in order to allow access to the capital of their country.

This bill provides for the construction of such a road and for the installation of two suitable modern ferryboats with necessary docks and approaches.

The bill has the approval of, and is strongly urged by the Governor of the Canal Zone, Col. Harry Burgess, who appeared before the committee and testified regarding it. The bill also has the approval of the Secretary of War, as is shown by a letter of the Secretary made a part of this report. It also has the approval of the State Department and the Bureau of the Budget. The amounts necessary to purchase or construct two ferryboats, the necessary docks and approaches, and the road leading from the ferry across the zone out to the territory of Panama are shown by the letter of Governor Burgess, made a part of this report, and appropriations of such amounts are authorized by the bill.

The construction of the two ferryboats will cost about \$250,000. The ferry slips or docks, including the approaches thereto, will cost about \$165,000. The grading of 7.2 miles of road, including culverts, will cost about \$242,000, and concreting the roadway will cost about \$343,000, making a total of \$1,000,000 necessary to complete the work.

The Republic of Panama has a population of about 500,000 people. The cities of Panama and Colon have a population of about 110,000. Practically all of the farming district of the Republic of Panama is west of the canal and until this road is constructed and these ferries provided the people of that part of the Republic will have no suitable means of access to their capital.

Service on these ferries will be furnished free to the public and the cost of maintenance and operation will be about \$45,000 per year.

It is believed by the committee that our Government ought to meet this obligation to the people of the Republic of Panama by providing these facilities for crossing the canal and the Canal Zone without further delay.

The measure (H. R. 4293) also passed the Senate and became a law upon its approval by the President on May 27, 1930.

The item now carried in the second deficiency bill for \$500,000 is one-half of the total authorized by the act. The present appropriation of \$500,000 is for the purpose of paying the cost of constructing two vessels for the ferry, each with a capacity to carry thirty-odd automobiles besides passengers, and to grade the required roadway from the west terminus of the proposed ferry to Arraijan at the Canal Zone line adjacent to the western portion of the Republic of Panama. It is expected that the remaining half million dollars for the completion of the entire project will be appropriated at the next (December) session of Congress.

The officials of the Panamanian Government and the people of the Republic of Panama are deeply appreciative of the action of Congress in enacting this measure and in providing and in making provision for establishment of the ferry and the con-

struction of the indicated roadway. The purposes of the ferry and roadway are fully explained in the quotations from the hearings and the report already given. As evidence of the appreciation of the officials and citizens of the Republic of Panama, under leave therefor, I herewith include cablegram received by me from the President of the Republic immediately following the enactment of the measure referred to and my response thereto.

(Cablegram)

PANAMA, May 23, 1930.

Hon. M. H. THATCHER,

House Office Building, Washington, D. C.:

Cablegrams to daily newspapers here announcing that Congress approved law relative to the establishment of ferry in the canal and Arraijan Road. As you are the author of the bill and its enthusiastic supporter, permit me to send you in the name of the Government and people of Panama the most sincere gratefulness (appreciation), also made extensive to all your colleagues, for the service now rendered to my country which has made generous efforts to enhance the greatness and prosperity of the American people and which is confident that justice will always be done her in all her claims. Receive my personal greetings and felicitations for your triumph.

Yours affectionately,

President AROSEMENA.

(Hon. Florencia H. Arosemena, President of the Republic of Panama.)

(Radiogram)

WASHINGTON, D. C., May 23, 1930.

President AROSEMENA, Panama:

Am deeply grateful for your very kind message regarding the passage by Congress of the Panama Canal ferry road bill, of which it has been my very great pleasure to be the author. This enactment, I am sure, will prove of the greatest value and benefit both to the Republic of Panama and the United States and will also serve to discharge, after long delay, the duty and obligation of the United States to Panama, to provide a convenient and satisfactory mode of communication across the canal and the Canal Zone between the two great sections of the Republic. I am always very happy to be able to be of any service to the Government and people of Panama, and to yourself, Mr. President. Mrs. Thatcher joins me in assurances of high regard and affectionate esteem for yourself and family and for all the Panamanian people.

Congressman MAURICE H. THATCHER.

Mr. Speaker, in connection with the enactment of this measure I desire to acknowledge, with appreciation, the effective aid and cooperation rendered by Representative DENISON, of Illinois, who is chairman of the subcommittee of the House Interstate and Foreign Commerce Committee, dealing with Panama Canal matters. He has had long and intimate acquaintance with the needs and requirements of this great waterway and the Canal Zone, and is rendering very important service touching these matters.

This ferry and highway will not only serve greatly beneficial purposes in the practical manner indicated in the hearings and report, but will also prove of the highest value in promoting good will between the United States and the Republic of Panama. Also, in the years to come, the ferry and roadway thus authorized will constitute an invaluable link in the great Pan American or inter-American highway that will extend for thousands of miles from Canada through the United States, Mexico, and Central America, across the Panama Canal to the southern regions of the South American Continent.

Mr. KEARNS. Mr. Chairman, I ask unanimous consent that all Members who have been successful in getting a building or any item in this bill for their districts have five legislative days in which to extend their remarks.

The CHAIRMAN. Did the Chair understand the gentleman to ask unanimous consent that all Members be permitted to extend their remarks?

Mr. KEARNS. All Members who have succeeded in getting an item in this bill.

Mr. DOWELL. Mr. Chairman, I think the request is out of order in the committee.

The CHAIRMAN. That can not be done in the committee.

Mr. TILSON. The gentleman can make his request in the House and there will be no objection.

The Clerk read as follows:

DEPARTMENT OF LABOR

For expenses of regulating immigration, \$36.84.

Mr. CABLE. Mr. Chairman, when William Green, president of the American Federation of Labor, appeared before the House Judiciary Committee on June 11 concerning the Wagner bills, he said:

We have reached the point where we feel some authority ought to be conferred upon some one to stop all immigration for certain periods of



time when these unemployment situations are threatening or when they come upon us.

The situation referred to by Mr. Green is world-wide. Great Britain has 1,475,000 unemployed (over a million insured under the dole system); Germany is paying a dole to over 2,378,000; Russia is feeding a line of unemployed of over 1,000,000; even Austria is having to look after 225,000 who have been out of work for over a year; and Italy has 400,000 idle men. Conditions justify the suspension of immigration to the United States in order to protect the American workingman.

In the United States there has been consolidation of industries, both large and small, thereby terminating the employment of many faithful and industrious men and women, in spite of the fact that they have devoted the best part of their lives in helping build up and make these corporations a success.

Then there has been a widespread introduction of new labor-saving machinery, making it possible for one machine and three men to do the work done previously by a dozen men, although in many instances new machines and new consolidations do create additional work and make possible better wages. Nevertheless, during the change or slack period, if too abrupt, many men and women are at least temporarily thrown out of work and suffer unnecessarily.

Expansion of American industry has created a surplus of products for both home consumption and foreign trade. But the most important factor in the present employment situation is immigration, and the most objectionable newcomers enter unlawfully, whether bootlegged in, or lawfully here as temporary visitors or deserting seamen, becoming lost in our population and remaining here in defiance of law.

Control of foreign immigration is strictly a domestic question for every country. America has the absolute right not only to determine the number, but to exclude immigrants of occupations not needed here, just as every other nation has that unquestioned sovereign right and exercises it. Charity and sentiment should begin at home. And yet the United States seems to be about the only country in the whole world to-day that does not absolutely bar the coming of the immigrant who will be detrimental to its economic working and production conditions. There is no telling how much worse conditions now might be had if it not been for the Johnson quota restriction law. That law has kept out millions of aliens who were preparing to migrate to America in order to escape the aftermath of the World War in Europe. But good and effective as it is, the Johnson law does not go far enough. Of course, at the time that law was enacted it was impossible to anticipate the recent rapid development of labor-saving devices in the United States. But even now it is not too late to profit by present conditions and the example of other countries. We should authorize the President to suspend immigration whenever, in his discretion, economic and industrial conditions warrant it. We should stop, as President Green and other experts point out, the influx of unneeded labor, hurtful to workers already here, whether native or foreign born.

Australia, for example, empowers its Governor General to prohibit by proclamation all immigration, when economic and industrial conditions, in his opinion, justify that step. Australia has not only such emergency legislation but it also has a dictation test which an immigration examiner can give all immigrants, either prior to entry or any time within two years thereafter. The immigrant can be required to write 50 words dictated in any language selected by the officer. Thus, Australia has two means of suspending immigration.

The United States has a good selective and numerical restrictive law, but it is not flexible, in that the law does not lodge any discretion in the President or the Secretary of Labor or the Commissioner General of Immigration or give authority to prevent the coming of immigrants within the quota detrimental to working conditions here.

The immigration act of 1917 prohibits the coming of the physically, mentally, and morally unfit, and was enacted because some foreign nations were actually giving passports to their deficients, dependents, and delinquents in order literally to dump them upon us. The act of 1924 limited the number that can come from Europe, because of a threatened inundation of immigrants. The law should go further and Congress should clothe some official with full power to check unnecessary immigration in times of unemployment. The quota law of 1924, limiting annual immigration from Europe to 153,714, is not fully adequate. Four hundred and seventy-nine thousand, three hundred and twenty-seven aliens lawfully entered our country, and 252,479 aliens departed, leaving a net alien addition of 226,829 to our population during the fiscal year ending June 30, 1929. Of these 479,327 aliens that entered the United States last year 199,649, or nearly one-half, were nonimmigrants, coming here

temporarily as visitors, tourists, foreign officials, and the like, with no declared intent to remain permanently.

Our immigration restriction legislation is the most humane and generous of any country with any considerable immigration. Our laws permit many aliens to come without regard to quota restriction and list them as nonquota immigrants, such as wives, husbands, children, and other near relatives of American citizens. More distant relatives are allowed preference within the quota. So many relatives are coming from southern and southeast Europe that the quotas of these countries are almost completely filled with near relatives of nationals from those countries already here. On the other hand, comparatively few relatives come from northwest Europe, and the quotas of these countries are filled largely with new immigrants. The existing law gives skilled farmers preference, but few are taking advantage of it, in all only 8,309. And if it were taken advantage of, there is little likelihood that the skilled farmer would follow farming in this country, in view of the higher wages paid around the factories and in the cities.

While our lawful net immigration last year was 226,829, to this must be added about 150,000 unlawful entries and about 25,000 deserting alien seamen. Thus our total net immigration at present may be fairly estimated at about 400,000, as compared with a million before the World War and before the really restrictive Johnson quota law was enacted. Such a volume of immigration is not needed and should not be allowed.

The time has come for the United States to suspend all immigration, as suggested by President Green, at least during periods of unemployment. In Europe alone there are now 2,000,000 prospective immigrants who have already applied for visa admission to the United States. Such legislation should apply not only to Europe, but it should apply also to countries of the Western Hemisphere. Every other nation, either by law or by administrative order, seeks to protect its working men and women from foreign competition. Such legislation is a necessary supplement to our protective tariff. As long as we have a carpenter, bricklayer, or day laborer out of employment, we should not admit another carpenter, bricklayer, or day laborer. Our first duty is to our own.

A law should be passed at once, without impairing in any way our existing contract labor law, not only restricting immigration from all the countries of this hemisphere and cutting down immigration from Europe, but also giving the President on recommendations of the Secretary of Labor authority to suspend all immigration if and when justified by economic and industrial conditions in the United States. Last year 64,440 immigrant aliens entered from Canada, 40,154 from Mexico, 2,011 from Newfoundland, and 3,026 from Cuba. Unquestionably many of these, being in a strange land, had to find work at any wage that would keep body and soul together, and consequently many now have taken places that persons already here ought to have had. Because of this situation many of our own people must have suffered hardship. There is no reason why a visa should be given any intending immigrant by our consuls abroad unless that alien can show that his presence will not be detrimental to working people already here.

I call attention to and conclude my remarks with the following brief digest of the legislation of various foreign countries:

**Albania:** All alien workers are refused admission.

**Australia:** The Governor General may by proclamation prohibit immigration wholly or in excess of certain numerical limits on account of economic and industrial conditions in the Commonwealth.

**Argentina:** The law lodges full discretion in its immigration officials.

**Belgian Congo:** Aliens who do not have adequate means of support, who are not under contract of employment, or who are undesirable for economic reasons may be excluded.

**Belgium:** Alien workers who have to obtain visas can be admitted upon producing certificates issued them by employers, stating that such aliens will be employed.

**Brazil:** The director general of land settlement is empowered to suspend or restrict immigration when he deems it necessary.

**Bulgaria:** No foreigner domiciled there may take up an occupation unless he obtains an authorization from the Ministry of Commerce, Industry, and Labor.

**Canada:** The Governor General may prohibit or limit in number immigration because of economic or industrial conditions. Admission of immigrants under labor contracts is now prohibited.

**Czechoslovakia:** Alien workers are admitted only upon obtaining certificates from the Minister of Social Welfare and Labor.

**Denmark:** No alien seeking employment may be admitted unless he first obtains certificate from the Minister of Justice.



Finland: An alien seeking employment will not be admitted unless he obtains a labor certificate from the Minister for Social Affairs.

France: Contract laborers, except skilled miners or agriculturists, are admitted only when contract is visaed by Minister of Labor.

Germany: Immigration of laborers is restricted to needs as determined by Federal Minister of Labor.

Great Britain: No immigrant seeking employment may be admitted without a permit from the Minister of Labor after that minister is satisfied by a certificate of the prospective employer that no British labor will thereby be displaced.

Greece: Aliens seeking employment are admitted only after obtaining licenses from the Minister of the Interior. Furthermore, no alien who is not able to maintain himself and family may enter.

Hungary: Aliens seeking employment are admitted only on permit issued to the employer by the official employment exchange, the Minister of Agriculture, or the Minister of Interior.

Iceland: All aliens must prove that they have sufficient money to keep themselves for at least two years after arrival before they are admitted.

Irish Free State: Any alien seeking employment will not be issued a visa until he produces a certificate from his prospective employer. Also, no alien is admitted who is not in a position to support himself.

Japan: Competent officials may prevent the entry of any alien who may become a public charge.

Latvia: Minister of Interior may decide whose entrance is or is not desirable.

Mexico: Aliens coming to work must show contract of employment. The Minister of Interior may suspend the admission of immigrant workers from certain countries, as well as all those who may become public charges.

Netherlands: No aliens are admitted unless they can prove sufficient means of existence or possibility of maintaining themselves by employment.

Newfoundland: No alien is admitted who can not prove he has the means of supporting himself and family or is in a position to obtain such means.

New Zealand: No person of other than British birth or parentage may be admitted unless he has obtained a permit from the Minister of Customs.

Norway: Alien workers are not admitted unless they can show special permit to work issued by communal (local) authorities.

Palestine: Chief immigration officer prepares monthly schedule to determine the number of immigrants who would have definite prospect of employment. This schedule is approved by the high commissioner, and immigration is limited accordingly.

Poland: Permission to enter is withheld from any person who is not in a position to support himself.

Rumania: Aliens likely to become a public charge are not admitted. Quarterly surveys are made to determine which occupations are crowded. Then alien workers are admitted only on the authority of the Minister of Labor.

Salvador: No alien whose maintenance is not assured may be admitted.

Siam: Yearly quota is fixed, and this quota must not be exceeded. Every alien immigrant must have a certain amount of money specified by the Minister of Interior.

South Africa: No alien who is deemed by a competent minister to be undesirable for economic reasons may be admitted.

Sweden: Aliens coming for employment may be excluded if there is reason to believe they can not earn a living honestly. Alien immigrants must obtain an entry visa of Minister of Social Affairs, who has discretionary authority to determine what immigrants are or are not necessary.

Switzerland: Any alien desiring employment may be rejected by the central police office upon refusal of officials of the canton in which the alien wishes to reside to allow his entry.

Syria: Immigrant laborers are admitted only if they have employment contracts visaed by the public security of the high commission.

Turkey: No person not of the Turkish race going there to settle is admitted except in accordance with the terms of special conventions.

Uruguay: No person who may become a public charge may be admitted.

Venezuela: Admission is denied aliens not having a legitimate occupation or the means of subsistence.

Western Samoa: The administrator is empowered to prohibit immigration that would be detrimental to the public interest of the territory.

The Clerk read as follows:

Total, audited claims, section 2, \$63,260.08, together with such additional sum due to increases in rates of exchange as may be necessary

to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

Mr. BROWNE. Mr. Chairman and ladies and gentlemen of the committee, I wish to congratulate the Appropriations Committee on reporting out a bill carrying appropriations of over \$68,000,000, with so many and varied projects and giving such universal satisfaction. You have allowed several days to the discussion of this bill, and every Member has been given an ample opportunity to be heard.

I am gratified that your committee has seen fit to recommend an appropriation of \$125,000 for a post-office building for Wisconsin Rapids, Wis. Wisconsin Rapids is a very beautiful and prosperous up-to-date city of between 8,000 and 9,000 inhabitants, situated in the central part of Wisconsin on the majestic Wisconsin River; it is a city of home owners; a city where employer and employee meet on common ground and work in harmony for the advancement and development of their city.

The early pioneers who selected the location of this city were men of broad vision. They sensed the great possibilities of the splendid water power that might be developed at some future time and did not allow this priceless heritage to be preempted by foreign corporations or syndicates. As a result this valuable power and the industries dependent upon it are locally owned and managed and give employment to a large number of men and women.

#### WISCONSIN RAPIDS UNIQUE

A stranger visiting this city would not realize that it was a large manufacturing city, for it looks more like an exclusive residential city. The skilled landscape architect has hidden all the unsightly places, and the green lawns and park spaces leading down to and along the river banks are in marked contrast to most manufacturing towns. One would know at first glance that absentee ownership did not prevail.

Three railroads serve this city, affording excellent transportation. They enter the city in such an unobtrusive way on the outskirts as not to mar the beauty or interfere or disturb the activities of the city.

Splendid bank buildings, public libraries, excellent school building, a high school building which will soon be under construction, to cost \$600,000, public swimming pools and parks, one of the best and safest aviation fields that can be found anywhere, consisting of a 360-acre field, as level as a floor, with such perfect drainage that it is never muddy, equipped with the latest hangars and a beacon that illuminates the field at night, and can be seen for many miles, attest the pride and public spirit with which the citizens of this community are imbued.

The people of this prosperous city own their own water-works and electric-light plant, and besides having very efficient service at low rates, these utilities turn back into the city treasury each year a substantial sum of money which helps lower the citizens' taxes. The Federal Government received from Wisconsin Rapids post office in receipts in the last fiscal year \$67,727.

#### POST-OFFICE BUILDING

It is not only a just, but a worthy undertaking, for the Federal Government to erect a building of approved architectural design to carry on a business of the magnitude which this city furnishes—a building in keeping with the dignity and stability of the Federal Government and the important business it carries on.

A comparatively few people come in contact with their Government in any way other than through the post office. The post office is a Government department which touches elbows with practically all of our 120,000,000 people. If it is important, and it surely is, for banks and other business institutions to have imposing structures in which to conduct their business, it is doubly important for the Federal Government to erect substantial public buildings of good architectural design where the citizens and the Government transact business.

Mr. Chairman, I believe the deficiency bill will pass unanimously, and I hope it will meet with the same hearty approval in the Senate, so that it may become a law before the adjournment of Congress. [Applause.]

The Clerk completed the reading of the bill.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House, with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12902, the second deficiency bill, had directed him to report the same back to the House, with sundry amendments, with the recom-



mendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### STANDARDS FOR PRESERVES, JAMS, JELLY, AND APPLE BUTTER

Mr. PURNELL. Mr. Speaker, I submit a privileged report from the Committee on Rules for printing in the RECORD.

The Clerk read as follows:

#### House Resolution 267

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11514, a bill to define preserve, jam, jelly, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. Referred to the House Calendar and ordered printed.

#### ADDRESS OF HON. CHARLES A. JONAS, OF NORTH CAROLINA

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. JONAS] may have leave to extend his remarks in the RECORD by printing an address which he delivered at the one hundred and fiftieth anniversary of the Battle of Ramsours Mill, Lincolnton, N. C., on June 20, 1930.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. JONAS of North Carolina. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address:

#### ANNIVERSARY OF THE BATTLE OF RAMSOURS MILL

Ladies and gentlemen, the Battle of Ramsours Mill was one of the battles of major importance in the American War for Independence. Contrary to the general impression in the average mind the importance of a battle is not measured in terms of the number of men engaged, the duration of the fighting, nor the carnage and bloodshed accompanying. Some of the smallest battles in history, apparently insignificant at the time, changed the whole course of civilization, while other battles of staggering magnitude, which chilled the blood in the veins of men and women throughout the world on account of the horrible destruction to human life and property, have been of slight permanent significance. The importance of a battle is properly determined by its permanent effect upon the future course of events. Measured in these terms Ramsours Mill deserves a prominent place in the true history of America.

This battle was no mere accidental or incidental isolated military engagement. It was a logical part of a war game played by master military minds, the colony of North Carolina being the immediate stake and the destiny of the entire South the final result. The British were moving on North Carolina on three fronts and the colony was threatened at three points by three armies—Cornwallis at Charlotte, Ferguson in the neighborhood of Kings Mountain, and Tarleton farther west. Their immediate object was to subdue western North Carolina. There was comparatively little Whig sentiment in the eastern part of the colony and if the west was subdued the east would declare allegiance to the crown. That was the British theory, and it was probably fairly correct. A large Tory army in North Carolina in striking distance from each of the three British armies would materially aid Cornwallis in his purpose. On the other hand, if the patriots could prevent the embodying of a powerful Tory army and could render ineffective Tory efforts to support Cornwallis it would be impossible for him and his armies to overcome the rapidly assembling Whig armies in the colony. Therefore the battle of Ramsours Mill was inevitable. Both sides appreciated its importance and the far-reaching consequences of its outcome. This fact accounts for the presence at the battle of so many prominent patriot military officers

from western North Carolina. It accounts for General Rutherford leaving Charlotte exposed to an attack by Cornwallis and Rawdon and marching his entire army to Ramsours Mill. The Tory army at Ramsours Mill was recruited upon direct orders from Lord Cornwallis, and the results may have been quite different had His Lordship's orders not been in part ignored. His purpose was to recruit a Tory army and have it ready to arm and assemble on short notice when he and his three armies were ready to move in force on North Carolina.

Moreover, from Rowan County west to the Blue Ridge the colonists were fairly evenly divided in sentiment, probably the royalist sentiment prevailing slightly. This section was settled by a sturdy people. Many of them came here solely for the sake of being free. Others came to seek wealth, and still others were only adventurers and pioneers. They were, most of them, brave and fearless and ready to fight for the principles they believed in. Feeling against each other was extremely bitter, almost as much so as feeling between Lincoln County partisans to-day just before election. Both sides were ready to "fight it out" and partisans of both parties, in many cases, were as cruel and vindictive in taking reprisals as ever characterized the activities of Chicago gang land.

It is well to get a perspective of Lincoln County at the time of the Revolution and the events which led up to the Battle of Ramsours Mill.

Lincoln County was formed in 1768 from Mecklenburg County and was named Tryon, in honor of William Tryon, royal governor, but his oppressive measures, culminating in the cold-blooded murders at the Battle of Alamance in 1771, caused the general assembly in 1779 to blot out his odious name and divide the territory into Lincoln and Rutherford Counties.

The intense partisan feeling existing and the whole-hearted and enthusiastic determination with which the Whigs of the county espoused the cause of Independence is shown by Articles of Association, prepared the 14th day of August, 1775, by the Whig leaders of Lincoln County, and "ordered to be signed" by every freeholder in the county, setting forth that "unprecedented, barbarous, and bloody actions committed by British troops on our American brethren, together with the hostile operations and treacherous designs now carrying on by the tools of ministerial vengeance, for the subjugation of all British America, suggest to us the painful necessity of having recourse to arms for the preservation of those rights and liberties which the principles of our constitution, laws of God, nature, and nations make it our duty to defend. We, therefore \* \* \* do hereby faithfully unite ourselves under the most solemn ties of religion, honor, and love for our country, firmly to resist force by force in defense of our national freedom, \* \* \* against all invasions, and \* \* \* do solemnly engage to take up arms and risk our lives and our fortunes in maintaining the freedom of our country whenever \* \* \* the Continental Congress or the provincial convention shall declare it necessary \* \* \* and do firmly agree to hold all such persons as inimical to the liberties of America who shall refuse to sign this association."

This association was first signed by the Committee of Safety, consisting of 48 enthusiasts for American independence or conciliation with the British Government on terms that would guarantee to the Colonies constitutional rights, local self-government, and representation in the Parliament. It would be interesting and instructive to read the names of all the members of the committee of 48 and also to know how many citizens of the county signed the pledge. Hunter's History contains the names of 17 of the signers. They were William Graham, Charles McLean, Frederick Hambright, John Walker, Jacob Forney, Thomas Espey, Andrew Neal, Joseph Neal, John Dellinger, George Dellinger, Joseph Harden, Jacob Costner, Valentine Mauney, Peter Sides, Joseph Kuykendall, James Coburn, and James Miller. The historian says there were, in fact, other signers, which indicates there may be somewhere a record of the complete list. If so, it should be published. However, we know a large portion of the population did not sign. They sincerely believed those advocating independence and armed opposition to their King to be rebels and traitors. Opposition to duly constituted power is rebellion if it fails, but revolution if it succeeds, and those who participate are rebels if they meet failure but heroic patriots if they win. Such is the popular verdict of society, though some of us can not understand why success or failure alone should characterize a man's conduct if he is acting in the furtherance of principles he believes to be right, guided by an enlightened conscience.

It should not be forgotten that the loyalists or Tories were sincere in their beliefs. They were simply standing by their king and his government, which was duly established. They were for the most part conservative, substantial, dependable citizens. We all know now they were mistaken in their judgment. But they and their descendants have contributed much to the stability of this Government. We need the conservatives to apply the brakes. Never in our history did we need them more than now. Radicalism is rampant throughout the land. It is manifest in government, in politics, in church, in business, in commerce, in society—everywhere. Unless the brakes are applied we are riding for a fall. Our institutions, bought by the blood of the patriots we honor to-day, are not secure. The Federal Government, State governments, municipal governments, neighborhoods and communities, railroads, drainage districts, and a majority of even nationally known



industrial, commercial, and banking corporations, and a large percentage of our individual citizens have borrowed recklessly until there is scarcely money enough in the country to pay our annual interest, and the average individual scarcely earns income to pay the interest on his debts, to say nothing of the principal. Yet we stand up on our hind legs and howl over the havoc we have wrought in our headlong rush to the poorhouse, and blame the governor, the legislature, the Congress, or the President, whichever we desire to see defeated at next election.

On the other hand, through all history men of vision who saw beyond their day and were willing to junk the established order and customs that civilization might advance have constituted the world's greatest benefactors. Such were the men whose memory we honor to-day. They looked beyond the present and sacrificed popularity and friendship to serve the general good and establish free government for themselves and their posterity. They were called radicals and cranks by those who were satisfied with the status quo. They left us a priceless heritage. In their day they were not appreciated for what they were. Many of them and their faults and personal eccentricities. I would like to speak about the peculiar personalities and habits of some of them. They were cranks. We are all cranks. We are made cranks to enable us to help turn the wheels of civilization along the upward road. The crank, if properly attached, makes the business, social, political, industrial, economic, and religious world go round. The only thing to worry about is whether one is properly attached. Some of us are attached and are spending and being spent in serious effort to help make the world a little better, and to safeguard the heritage of the fathers, while the rest of us are detached as clubs to beat over the heads and cripple those who are trying to carry the load.

Let us get a proper setting of the battle of Ramsours Mill in the War of the Revolution. It was fought June 20, 1780.

In the North, during the year 1778, the fortunes of war strongly favored the British, but in 1779 slightly favored the patriots.

In the South conditions were quite different. In the fall of 1778 General Prevost, after completely subduing the feeble opposition to the British cause in the Florida Territory and after establishing British authority there, marched into Georgia for the purpose of subduing that colony. March 3, 1779, at the battle of Briar Creek the American Army was defeated and almost destroyed. The British conquest of Georgia proceeded rapidly and almost unhampered and on October 8, 1779, Savannah was sacked, and the last organized army of opposition crushed.

These disasters so disheartened the colonists of Georgia and South Carolina that they practically ceased for the time opposition to British arms, most of their militia disbanded, and many of the colonists professed allegiance. Only General Lincoln was left with an army of about 4,000 to oppose the apparently certain and rapid conquest of the South. The patriot cause was desperate and the spirit of the patriots at a low ebb.

Sir Henry Clinton and General Cornwallis with more than 7,000 men under arms came south determined to overrun this section and then attack the American armies of the North from the rear or, if necessary, grant the northern colonies independence while retaining the South as a British colony.

February 11, 1780, they began the siege of Charleston, which was defended by General Lincoln and his little army of 4,000. After two months Charleston fell and was partially burned, and a large part of the American Army was lost in killed, wounded, and captured. The remnant fell back into the interior. Clinton returned to the North flushed with victory and left Cornwallis to complete what seemed to all the easy task of completing the subjugation of the South. Colonel Buford was at the head of a small American force in South Carolina. In May, 1780, the British practically destroyed his army, and now only Gen. Horatio Gates—who had been placed in command of the American forces in the South—and his army at Camden, S. C., was left to defend the patriot cause. Florida, Georgia, and South Carolina had been overrun, and Cornwallis, flushed with victory after victory prepared to crush North Carolina, where loyal sentiment was strong and apparently growing stronger. It seemed that nothing could prevent his success. The South appeared inevitably lost. The question of suing for peace on terms of independence for the northern colonies and leaving the South a British possession was seriously considered in the Continental Congress. Benedict Arnold had deserted the patriot cause. Even Washington had said, "I have almost ceased to hope."

British oppression, a cruel army of invasion, conquest, and loss of freedom hung over North Carolina like a black cloud. Cornwallis was already knocking at the doors of Charlotte, and two armies under two trusted and brave subordinate officers, Ferguson and Tarleton, were marching on that Colony from the south and west of Charlotte, supporting Cornwallis on his left. They sent messages through North Carolina that if the patriots would surrender to British rule their property and their women and children would be cared for, but if they offered resistance their country would be laid waste by fire and sword.

Faced with a choice between slavery to a foreign monarch and a last death grapple at arms with an apparently invincible foe, a number of brave and heroic patriot leaders in North Carolina decided to meet the

invader in combat, with the determination to preserve freedom for themselves and their posterity or give their lives in the cause.

Colonels Shelby, Sevier, and McDowell were at the head of the irregular patriot armies in western North Carolina and South Carolina opposing the advance of Tarleton and Ferguson. Early in June an army of approximately 900 men under command of Gen. Griffith Rutherford was assembled near Charlotte to oppose the British army under Cornwallis and Rawdon which was threatening that city.

The first of June, 1780, Cornwallis dispatched two Lincoln County Tory officers, Col. John Moore, son of Moses Moore, and Maj. Nicholas Welch, who had fought with the British in the South Carolina campaigns, to recruit the loyalists in Mecklenburg, Rowan, Lincoln, Burke, and Rutherford Counties, to apprise them of the Whig disasters in South Carolina, and to assure them that British arms would soon bring them deliverance from the "Whig rebellion." On June 10, Colonel Moore assembled about 40 Tories on Indian Creek, west of Lincolnton, for conference. Maj. Joseph McDowell, with about 25 patriots, apprised of the presence of this Tory force, maneuvered near by, but when Moore and his followers offered battle he retreated, and was vainly pursued as far as Burke County line near Three-County corner. Colonel Moore disbanded his followers, but ordered them to reassemble at Ramsours Mill June 13. On that day more than 200 Tories assembled. Major Welch was present. He brought glowing accounts of the brilliant successes of British arms. Native loyalists believed the "rebellion" was about over. The reports made by Moore and Welch spread rapidly, and recruits assembled in force from as far as Burke County, until, on the 19th, an army of more than 1,300 men, over 900 of whom were under arms, had assembled and were in training. It is stated by some that the native loyalists did not assemble for the purpose of making offensive warfare on the Whigs, but that they assembled for the purpose of deciding upon the best method of protecting themselves and providing for the support of the King's army when it should come into the community.

What the truth is I can not say, but it is a fact that more than one-fourth of those assembled were unarmed. I think it probable they had in mind to recruit an army for the King's service when called for. They were true royalists. Their known officers were Col. John Moore, Maj. Nicholas Welch, and Capts. Patrick Moore, Cumerland, Carpenter, Keener, Williams, Warlick, Whiston, and Murray, the latter two being Burke County men.

On June 14 General Rutherford, having received intelligence that the Tories were assembling in force in Lincoln County, ordered Col. Francis Locke, of Rowan, Maj. David Wilson, of Mecklenburg, and Captains Brandon, Knox, and Falls, and other officers to recruit a patriot army to disperse the Tories—being unwilling at the time to weaken his own army or to remove it as a barrier to the threatened invasion of North Carolina by the British Army under Cornwallis and Rawdon. These officers, under orders of General Rutherford, hastened to recruit a patriot force from Mecklenburg, Rowan, and Lincoln, and by June 19 they joined forces with Col. James Johnson, of Lincoln, and Maj. Joseph McDowell, of Burke, on Mountain Creek, in Lincoln County, at "the glade" just east of Little Mountain. Meantime the British Army had withdrawn toward Camden, S. C., and General Rutherford had marched his army across the Catawba River at Tuckasee Ford and camped, June 19, 16 miles from Ramsours Mill, on the farm of Col. Joseph Dickson northwest of Mount Holly, where he was joined by Cols. William Graham and Joseph Dickson and Peter Forney.

The purpose of Rutherford was to join the forces under Colonel Locke and attack the Tories at Ramsours Mill jointly on June 20. But, through some misunderstanding, Colonel Locke at the head of his recruited army of 400 began his march from Mountain Creek toward Ramsours Mill late on the evening of June 19, while Rutherford remained in camp at the Dickson place until the morning of the 20th.

Locke's army met the Tories at Ramsours Mill shortly after daylight on the morning of June 20 and immediately engaged them in battle, Major McDowell and Captains Brandon and Falls with their mounted cavalry leading the attack. The armed Tories outnumbered the Patriots more than 2 to 1, the Tories engaged numbering about 900 while the Patriots numbered scarcely more than 400. Both armies were composed entirely of raw, untrained troops, practically none of whom had ever before engaged in battle. But they were brave, hardy frontiersmen on both sides, fighting for the right as they saw it. The battle was fierce and sanguinary and bloody. It was Turk against Greek, brother against brother, kinsmen against kinsmen, friend against friend, and neighbor against neighbor. The Tory army occupied the crest of the hill east of Clarks Creek, and the Patriots attacked from the east. Officers and men fought side by side without regard for discipline, order, or military tactics. The fortunes of battle varied from time to time as these two untrained, irregular armies engaged in deadly combat, often fighting at close quarters, using their rifles as clubs.

The reckless bravery and heroism of the patriot officers is evidenced by the fact that Capts. Gilbraith Falls, Patrick Knox, Dobson, Smith, Bowman, Sloan, and Armstrong were killed, and Capts. James Houston, Daniel McKissick, and William Wilson, together with several inferior officers, were wounded. Dauntless courage and daring bravery and not superior military strategy turned the tide of battle in favor of the patriots. They doggedly marched straight through the Tory line of



battle in the face of a withering and deadly fire from the guns of the enemy.

When the smoke of battle cleared the patriots were in charge of the field. Their victory was complete. The Tory army had been cut to pieces and the fragments had retreated to the opposite side of Clarks Creek, where they rejoined their more than 400 unarmed comrades who had not been engaged. Seventy men were killed and about 200 were wounded, the casualties being about evenly divided. Fifty Tories were taken prisoners.

General Rutherford and Cols. William R. Davis, William Davidson, William Graham, James Johnson, Peter Forney, and Joseph Dickson and their army of 1,200 men arrived on the field of battle in time to help bury the dead and care for the wounded and celebrate the patriot victory.

Ramsours Mill completely destroyed the morale of the loyalists. Colonel Moore with about 30 followers made his way to South Carolina and rejoined the army of Cornwallis, but the remainder of the Tory army disbanded and returned to their homes. There was not another serious effort to recruit a Tory army in North Carolina. The contribution of this battle to the final success of the patriot cause can scarcely be estimated. Defeat of the patriot army at Ramsours Mill would have been disastrous to the patriot cause in the South in all probability. It would have meant a call and general rally to arms of the loyalist sympathizers all over North Carolina which would have made it well-nigh impossible for the patriots to prevent the conquest of the colony by the armies of Cornwallis. Ramsours Mill paved the way to victory at Kings Mountain where on October 7, 1780, was fought the most decisive battle of the war, marking unmistakably the definite turning of the tide of war in favor of the Americans. Truly, as Thomas Jefferson said, "Kings Mountain was the turning point in the War for Independence." No other such battle is recorded in American history—none so decisive, none showing such bravery and heroic daring by untrained soldiers, and none so far-reaching in its contribution to American independence.

A few weeks after Kings Mountain, Colonel Tarleton was utterly defeated at Cowpens by Colonel Morgan, and the rout of his army was almost as complete as that of Ferguson at Kings Mountain. Meantime Cornwallis had run into a "hornet's nest" at Charlotte and was compelled to withdraw into South Carolina. Ramsours Mill, Kings Mountain, and Cowpens lit the spark of patriot fervor that caused a general uprising in all the southern colonies and the rapid assembling of patriot armies to drive the invader from their borders. A new spirit of victory and independence thrilled the patriots, especially in North Carolina. The doom of the British cause in the South was sealed. After that Cornwallis maneuvered and conducted a defensive campaign, the inevitably disastrous end of which was known to none better than to himself. Ramsours Mill made possible Kings Mountain, Cowpens, Guilford Courthouse, Yorktown, and American independence.

An accurate biographical history of the officers and men of the patriot army who distinguished themselves at Ramsours Mill would constitute a fair general outline of the history of Piedmont, N. C., from the period of the Revolution through the first quarter of the nineteenth century. I can not name them all.

Among the officers actually engaged were Col. Francis Locke of Rowan, officer in command and hero of the battle, Col. Hugh Brevard and several brothers, Maj. Abram Forney, Maj. Joseph McDowell, Maj. David Wilson, Maj. James Rutherford, and Captains Falls, Brandon, Armstrong, Dobson, Smith, Bowman, Daniel Alexander, McKissick, Houston, Knox, Sloan, Hugh Torrence, Robert Ramsay of Rowan, distinguished for bravery also at Charlotte Courthouse and Cowpens (who in a hand-to-hand encounter with a Tory at Ramsours Mill, after the Whigs had gained the top of the ridge, felled his antagonist with his gun barrel and broke it and took the Tory's gun, which for many years was, and probably still is, preserved by the Ramsay family of Salisbury as a trophy), David Caldwell, and John Reid. Other distinguished officers who came up with Rutherford's army too late to take part in the battle were Gen. Griffith Rutherford, Cols. William P. Davidson, William R. Davie, James Johnson, Joseph Dickson, William Graham; Captains Harden, Martin, and Simmons, and Gen. Peter Forney, who by forced marches from the Waxhaw section, upon hearing of an impending battle with the Tories in his home county, joined his little army to that of General Rutherford on the night of June 19.

Among other men engaged at Ramsours Mill with the patriot army were David Vance, grandfather of Zebulon Baird Vance; John Duckworth, who was wounded in battle; Adam Reep, William Feimster, of Iredell; Francis McCorkle, who displayed great bravery and daring on the battlefield and in other battles of the Revolution (his wife was Sarah Work, of Rowan, and he is said to have been a physical giant, over 6 feet tall, with red hair and quite florid complexion); Adam Brevard, brother of Col. Hugh Brevard; and probably, but not surely, Col. John Nixon, who was at Kings Mountain and was killed in 1781 by the Cherokees; John Stamey and Jeremiah Mundy, of Lincoln County. Those participating on both sides having been volunteers and not enlisted in any regular army, there is no official muster roll of the heroes who fought there, and probably there never can be compiled

anything like a complete list of those engaged. But the Jacob Forney Chapter should engage seriously in the task, if it has not already done so, of enrolling as many as possible of the names of our pioneer ancestors who fought here that we might be free.

I make special mention of Col. Joseph Dickson for the reason that he later was a member of the committee that selected the site for the town of Lincoln and was made the holding trustee for the lands embraced in the town site. It was he who executed and signed all the deeds to original purchasers of lots in Lincoln.

He also became the first clerk of the superior court of Lincoln County and was designated colonel of militia for the county. He was a State Senator from Lincoln County from 1788 to 1795 and in 1789, when the University of North Carolina was established, he became one of the 40 original trustees. He was a Member of the House of Representatives in Congress from Lincoln County from 1799 to 1801. In this connection I might add that a few years later, 1815-1818, Daniel M. Forney, of Lincoln County, oldest son of Peter Forney, also served two terms in the National House of Representatives.

It should be recounted here that Ramsours Mill battle ground is famous not alone for the battle that was fought here. No other community in North Carolina was the scene of as much military activity during the Revolution as Lincoln and surrounding territory.

Ramsours Mill seems to have been desirable as a mustering and assembly ground. We know that during the war prior to the great battle here, Ramsours Mill was the scene of frequent Tory assemblies and conferences. Early in 1780, before the Battle of Ramsours Mill, Maj. Abram Forney and Capt. John Baldrige were stationed at Ramsours mill, from which point as a base they harassed the Tories in this section. The 1st of October, 1780, when the patriots were feverishly assembling an army to meet the seasoned troops of Colonel Ferguson, who was overrunning the country around Kings Mountain, South Carolina troops under Williams, Hill, and Lacy, of Kings Mountain fame, had marched east through South Carolina and up the Catawba River endeavoring to join General Davidson's army in its campaign against Cornwallis at Charlotte.

Learning of the plans of the "mountain men" under Shelby and Campbell to engage Ferguson, they crossed the Catawba at Beatties Ford, joined Cols. William Graham and Frederick Hambright and Maj. Abram Forney and Major Chronicle, and with their combined forces decided to join the "mountain men" under Shelby, Campbell, and McDowells. They crossed the upper forks of Duckmans Creek and camped at Ramsours Mill and lingered in the community several days until they could get information as to the whereabouts of the "mountain men." Learning it was the purpose of the mountain leaders to assemble near Cherry Mountain, in Rutherford County, they marched through Lincoln County on the Flint Hill Road, arriving at Cowpens on the evening before the Battle of Kings Mountain, in which battle Major Chronicle fell mortally wounded in the first charge, and every other Lincoln County participant made himself immortal.

After the Battle of Cowpens, January 17, 1781, there began the most protracted and famous retreat and pursuit ever staged between two armies in America. The Tories had been defeated and discouraged at Ramsours Mill; Ferguson and his army had been completely destroyed at Kings Mountain, not even one man escaping; Morgan had disgraced the haughty Tarleton and killed, wounded, or captured nearly all his army, taking over 500 men prisoners; and Cornwallis had been driven from Charlotte.

These reverses had disheartened and made desperate Lord Cornwallis. He was exasperated that rough, untrained, uneducated mountain pioneers armed only with hunting rifles should thus cut to pieces the flower of the King's army. He was not only exasperated but humiliated and determined to get sweet revenge by himself destroying General Morgan's army. Morgan decided not to engage Cornwallis until he could effect a junction with the army under General Greene. I do not know the route traveled by Morgan's army through Lincoln County. All I know is that he crossed the Catawba at Island Ford, where he was joined by Gen. Nathaniel Greene, who assumed supreme command of the army. But Cornwallis came into Lincoln County by way of Tryon Court House, where he camped on January 23, 1781. The next day he arrived at Ramsours Mill, where he remained with his army until the 28th. He came to Ramsours Mill over the Flint Hill Road. General O'Hara covered his left flank and crossed the South Fork 1 mile above the Rutherfordton Road and camped at the Reep place 2½ miles northwest of Ramsours Mill. Colonel Tarleton covered the right flank and crossed the South Fork in Cobbs Bottoms and marched across the ridge on which Lincoln now stands and halted for refreshments at Delinger's Tavern, north of the present court square.

Here at Ramsours Mill Cornwallis abandoned all his excessive equipment and heavy wagons, so eager was he to overtake and punish Morgan. On the 29th of January he marched to Beatties Ford, but due to swollen waters by heavy rains he could not cross and fell back to Jacob Forney's place, where he remained until February 1. On February 1 he marched his army across the Catawba at Cowans Ford in the face of a withering fire from a patriot army stationed on the east side of the river, under Cols. William P. Davidson, Peter and Abram Forney, Joseph Graham,



and others. Thus Cornwallis lingered in Lincoln County for eight days, so hospitable were our people, and our boys accorded him a warm farewell as he left our borders.

The State militia was called out early in May, 1782, to quell a Cherokee Indian uprising. Maj. Abram Forney was placed in command of a company and ordered to rendezvous at Ramsours Mill. He remained there with his army from June 1 to August 1, when he marched to the headwaters of the Catawba, where he joined Col. Joseph McDowell and his forces and proceeded to Buncombe County and the Cherokee Nation, where they carried out a successful campaign and returned home in October.

Thus it will be seen that Ramsours Mill was the scene of military activity and felt the tramp of marshaled soldiery on at least five distinct occasions during the Revolutionary period.

We stand on hallowed ground, enriched by the blood of a brave and noble ancestry who sacrificed all for the cause of freedom and liberty for themselves and for us and for those to come after us. Their blood and treasure contributed in large measure to the establishment of our glorious Republic and made possible this flag which to-day kisses the breezes in every civilized country and on every ocean and sea on the globe—emblematic of those virtues in government and political activity which alone can bring to fruition the hopes and aspirations of men and women everywhere who seek freedom under God and equality of opportunity to achieve that happiness and well being ordained to be the heritage of all mankind by the Creator of the Universe. Let us here dedicate ourselves to the task of preserving for ourselves and for our children and our children's children our glorious heritage of liberty under law which was made possible by the sacrifices of those noble and daring men and women whose contribution here to human liberty we remember to-day, and whose memory we shall cherish forevermore.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing a statement submitted to the Speaker, the majority and minority leaders of the House to-day by a number of gentlemen residing in the District of Columbia, on the subject of the District of Columbia appropriation bill?

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement submitted to the Speaker, the majority and minority leaders of the House to-day by a number of gentlemen residing in the District of Columbia on the subject of the District of Columbia appropriation bill:

*To the Speaker of the House of Representatives, the majority and minority floor leaders of the House of Representatives of the United States:*

In the city of Washington, on June 20, 1930, there gathered a voluntary meeting of men representing all walks of life and all interests in the District of Columbia, including merchants, officers of the city's leading bank and trust companies, leaders of organized labor, the responsible officers of the city's most active trade and commercial organizations, and professional men.

This gathering resulted from a deep concern over the threatened failure of the pending District of Columbia appropriation bill for the fiscal year beginning on July 1.

As a result of that concern and of the discussion caused thereby, the undersigned committee was designated to present to the Congress the following:

We urge—

1. A resumption of conferences between the two Houses for the purpose of making further efforts to bring about the enactment of the above-mentioned bill, including the appropriation of the sums which, in equity and fairness, should be borne, on the one hand, by the National Government and, on the other, by the taxpayers of the city of Washington.

2. That earnest and careful consideration be given to the extremely deplorable effects of the failure of the pending legislation not only locally in the city of Washington but nationally.

3. That the Congress of the United States do not adjourn, in this time of widespread unemployment, leaving unenacted legislation the failure of which would increase unemployment.

We directly and earnestly invite your attention to the fact that if the regular appropriation bill for the District of Columbia for the next fiscal year is not enacted, but that the running expenses of the municipality are merely provided for by a legislation continuing the ordinary appropriation of the current fiscal year, the following will result:

There would be a failure of appropriations for greatly needed additions to and repairs in the public schools of the city of Washington. Entirely aside from the importance of efficiently maintaining the public schools, this would deprive several hundred men engaged in the "building trades" of employment.

For projected improvements, such as the Public Library Building, extensions and new equipment in the city's sewer and fire departments, and for the new buildings and extensions to buildings needed to carry on the work of public welfare, including a children's tuberculosis sanatorium, the pending bill carries appropriations. Here again needed employment will be unavailable, unemployment increased if these appropriations fail; and this entirely aside from the deplorable consideration of marking time when work of this vital nature should be going forward.

The bill provides for important street improvements. Among no class is the present problem of lack of work so vital as among the laboring men, of whom it is estimated from 1,200 to 1,500 would fall of employment if this work of street improvement is not carried on in the Capital City during the ensuing 12 months. We stress, as we think should be stressed, the hardships which would result from this unemployment; but we do not overlook, as we submit it should not be overlooked, the resulting condition of disrepair and of failure to provide the street improvements which will confront the Capital during the period of the contemplated Washington bicentennial. The greatly increased future cost of highway work following a period of neglect is as obvious as it is inevitable. The unemployment which would result among laboring men who, should the pending bill be unenacted, would work on the public streets, can not be made good by legislation enacted at the next regular session of Congress, for, as it is well known, that character of work can not be done in cold weather.

We are informed that if provision for the District of Columbia expenses for the ensuing fiscal year is made by continuing resolution rather than by the pending bill, approximately \$14,000,000 less will be available.

We have spoken only of direct results. Neither time nor space suffices for an adequate reference to indirect results, involving manufacturing and transportation. The numerous industries producing materials which the projected improvements require will readily come to mind. Their employees are concerned.

The existing unemployment problem, we repeat, is unfortunately nation-wide. We are sure it is temporary; but while it exists it is very real and certainly our National Legislature will do nothing to increase it, nor leaving nothing undone which can appropriately be done by that body to diminish it. It is not possible to increase the seriousness of that situation here without indirectly affecting it all over the country.

We realize that in the above we have stated nothing that is new and nothing of which the Members of our legislative bodies are not fully aware. We here emphasize them, however, that their seriousness may not be overlooked in the closing days of this extraordinarily busy session of Congress.

ROBERT V. FLEMING.  
JOHN POOLE.  
JOHN B. COLPOYS.  
CHAS. C. GLOVER, Jr.  
JOSHUA EVANS, Jr.  
JOHN JOY EDSON.  
FRANK J. HOGAN.  
SIDNEY F. TALIAFERRO.  
E. F. COLLADAY.  
SAMUEL J. PRESCOTT.  
THOMAS P. LITTLEPAGE.

#### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to—  
Mr. STRONG of Pennsylvania, for a few days, on account of death in his family.

Mr. LANHAM, for to-day, on account of illness.

#### ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Monday next it may be in order to call the Consent Calendar, beginning where the call last left off.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it may be in order on Monday next to consider bills on the Consent Calendar, beginning at the star. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, will the Speaker inform the House if he will recognize any motions to suspend the rules on that day?

The SPEAKER. The Chair could not do that except by unanimous consent of the House.

Mr. RANKIN. Mr. Speaker, reserving the right to object, what other legislation will this push aside?

Mr. TILSON. None whatever. It really is necessary to have at least one consent calendar day every week. Alternate Mondays we have already for this calendar.

Mr. RANKIN. Let me ask the majority leader a question. I understand the Senate has agreed to vote on the veterans' bill Monday and the bill will possibly be messaged over here not later than Tuesday. Will we have time to consider the Senate amendments on Tuesday?



Mr. TILSON. I do not know as to that, but there is certainly no intention to delay action on that bill.

Mr. RANKIN. This unanimous consent request does not apply to Tuesday?

Mr. TILSON. No; it simply refers to Monday next.

Mr. RANKIN. I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 4123. An act to provide for the aiding of farmers in any State by the making of loans to drainage districts, levee districts, levee and drainage districts, counties, boards of supervisors, and/or other political subdivisions and legal entities, and for other purposes; to the Committee on Irrigation and Reclamation.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 669. An act for the relief of Seth J. Harris; and

H. R. 7997. An act authorizing the purchase by the Secretary of Commerce of additional land for the Bureau of Standards of the Department of Commerce.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4017. An act to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 669. An act for the relief of Seth J. Harris; and

H. R. 7997. An act authorizing the purchase by the Secretary of Commerce of additional land for the Bureau of Standards of the Department of Commerce.

#### ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock p. m.) the House adjourned until to-morrow, Saturday, June 21, 1930, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

557. Under clause 2 of Rule XXIV, a letter from the Joint Committee on Internal Revenue Taxation, transmitting report dated June 20, 1930, covering refunds and credits of internal revenue taxes for the calendar year 1929 (H. Doc. No. 478), was taken from the Speaker's table, referred to the Committee on Ways and Means, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 258. A resolution that a special committee be appointed by the Speaker to investigate expenditures of candidates for the House of Representatives, and for other purposes; without amendment (Rept. No. 1984). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 264. A resolution providing for the consideration of H. R. 12549, a bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union; without amendment (Rept. No. 1985). Referred to the House Calendar.

Mr. UNDERHILL: Committee on Accounts. H. Res. 236. A resolution to pay Elizabeth Williams, widow of John Williams, six months' compensation and an additional amount not exceeding \$250 to defray funeral expenses and last illness of the said John Williams (Rept. No. 1986). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. S. Con. Res. 30. A concurrent resolution to pay to Helen T. Scott a sum equal to six months' compensation of the late Walter W. Scott (Rept. No. 1987). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 249. A resolution authorizing additional clerical service in the enrolling room for the balance of the present session (Rept. No. 1988). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 227. A resolution to pay James W. Boyer, jr., for extra and expert services to the Committee on World War Veterans' Legislation (Rept. No. 1989). Ordered to be printed.

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 367. A joint resolution to amend the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930; without amendment (Rept. No. 1994). Referred to the House Calendar.

Mr. HAWLEY: Committee on Ways and Means. H. R. 10658. A bill to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. p. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26); with amendment (Rept. No. 1995). Referred to the Committee of the Whole House on the state of the Union.

Mr. PURNELL: Committee on Rules. H. Res. 267. A resolution providing for the consideration of H. R. 11514, a bill to define preserve, jam, jelly, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended; without amendment (Rept. No. 1996). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. S. 4345. An act for the relief of Lillian G. Frost; without amendment (Rept. No. 1990). Referred to the Committee of the Whole House.

Mr. ROWBOTTOM: Committee on Claims. H. R. 9914. A bill for the relief of John W. Harlee; with amendment (Rept. No. 1991). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 12915. A bill for the relief of D. M. Leypoldt Co.; without amendment (Rept. No. 1992). Referred to the Committee of the Whole House.

Mr. COLE: Committee on Foreign Affairs. H. R. 11558. A bill providing for the disposition of orders, medals, decorations, diplomas, certificates, and gifts now deposited in the Department of State, tendered by foreign governments to certain retired, resigned, or deceased officers of the United States; without amendment (Rept. No. 1993). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 1591) to authorize Col. Cornelius W. Wickersham, Infantry Reserve, to accept from the French Government the brevet and insignia of Officer de la Legion d'Honneur, and the same was referred to the Committee on Foreign Affairs.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KORELL: A bill (H. R. 13075) providing for the reconditioning of the old Federal post office and Federal courthouse building in the city of Portland, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. HENRY T. RAINEY: A bill (H. R. 13076) providing for the voluntary liquidation of Federal land banks and joint-stock land banks, the establishment of a Federal merger land bank, and the lowering of interest rates to borrowers; to the Committee on Banking and Currency.

By Mr. REID of Illinois: Resolution (H. Res. 265) providing that the Committee on Flood Control, or a subcommittee thereof, be authorized to conduct hearings relative to the proposed revision of or changes in the Mississippi River flood-control project; to the Committee on Rules.

By Mrs. OWEN. Resolution (H. Res. 266) to investigate flood conditions in the Lake Okeechobee region in Florida; to the Committee on Rivers and Harbors.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 13077) granting a pension to Ida Goldthwait; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 13078) granting a pension to Cloyd B. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13079) granting an increase of pension to Mary Keith; to the Committee on Invalid Pensions.

By Mr. BLACKBURN: A bill (H. R. 13080) granting a pension to Matt G. Scott; to the Committee on Invalid Pensions.



Also, a bill (H. R. 13081) for the relief of Lloyd Massie; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 13082) granting a pension to Henry Bell; to the Committee on Pensions.

By Mr. EVANS of California: A bill (H. R. 13083) for the relief of Capt. Walter Carl Merkel; to the Committee on Military Affairs.

By Mr. HALL of Indiana: A bill (H. R. 13084) granting a pension to Sarah E. Goine; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13085) granting a pension to George Brill; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 13086) for the relief of Alexander H. Bright; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 13087) granting an increase of pension to Eva Calvert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13088) granting an increase of pension to Maria S. Carsey; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 13089) for the relief of Sarah Maddocks Ferguson; to the Committee on Claims.

By Mr. JOHNSTON of Missouri: A bill (H. R. 13090) granting an increase of pension to Samantha Adamson; to the Committee on Invalid Pensions.

By Mr. LEECH: A bill (H. R. 13091) granting a pension to Edmund James; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 13092) to authorize and adjust and settle the claim of Leslie W. Morse; to the Committee on War Claims.

By Mr. UNDERWOOD: A bill (H. R. 13093) granting a pension to Mary M. Nichols; to the Committee on Invalid Pensions.

By Mr. WELCH of California: A bill (H. R. 13094) for the relief of H. L. Todd; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7617. Petition of Hennepin County commissioners of Minneapolis, Minn., urging immediate passage of the Couzens joint resolution suspending consolidation of railroads until Congress has further legislated on the subject; to the Committee on Interstate and Foreign Commerce.

7618. By Mr. REID of Illinois: Resolutions adopted by the Illinois Association of Sanitary District Trustees in convention assembled at Aurora, Ill., on June 12, 1930, requesting that reservoirs be constructed upon the headwaters of the rivers and streams in the State of Illinois so that they may be conserved, purified, and their flow facilitated, the cost thereof to be borne in equal parts by the local districts, the State of Illinois, and the United States, or such other division of the cost thereof made as shall be determined to be fair; to the Committee on Flood Control.

### HOUSE OF REPRESENTATIVES

SATURDAY, June 21, 1930

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most Gracious Lord, in the quiet of this noonday moment, with its ministries of help and light, may we receive wise incentive for the labors before us. Whatever our tasks may be, may we feel that they are Thine, and with Thy direction may we move forth with trust and dignity. During the days of our lives we would walk with Thee and with our fellow men in a life of loving service. At the eventide to-day may it be our highest joy to find ourselves at the hearths of happy firesides. In the name of Jesus, the lover of men. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 11781. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

#### LETTER FROM AN EX-SERVICE MAN

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, on yesterday the gentleman from South Dakota [Mr. JOHNSON] took the floor in my absence and without notifying me and made an unwarranted attack upon me. He also inserted in the Record a letter from an ex-service man whose name I do not recall ever having heard before. It was a letter I had never seen and for which I was in no way responsible. It seems to have been written by an ex-soldier who lives in Mr. JOHNSON's home town of Aberdeen, S. Dak. Since he has inserted it in the Record, I reproduce it here. It reads as follows:

#### ONE MORE DISABLED VETERAN WANTS JOHNSON BEATEN

UNITED STATES VETERANS' BUREAU HOSPITAL No. 72,

Fort Harrison, Mont., April 21, 1930.

Mr. TOM AYRES,

Manager Dakota Free Press, Aberdeen, S. Dak.

DEAR MR. AYRES: Several of the boys have written to you from this hospital, but I thought I would drop you a line, since I am from Aberdeen, S. Dak. I wish you every success in your campaign for Congressman, and certainly hope that you defeat ROYAL C. JOHNSON.

Mr. JOHNSON, I think, is no sincere friend of the disabled soldiers, since in his position as chairman of the World War Veterans' Legislative Committee his vote caused the tie which ruled out the Rankin bill, H. R. 7825.

What made the men here disgusted was the fact that in the next D. A. V. paper ROYAL C. JOHNSON wrote an article where he blandly mentions that he thinks that the rest of Congress should abide by the decision of the committee, since the majority was not in favor of the Rankin measure, when it was a strict tie, and if JOHNSON had not voted the majority would have gone for the Rankin measure. I do not think it is customary for a chairman to vote, and in this case ROYAL C. JOHNSON voted, causing a tie, and then in his position as chairman ruled the Rankin measure out. I would like very much to have this brought to the attention of the voters, as I am sure if they knew the facts they would give you every support in preference to ROYAL C. JOHNSON for Congressman.

Yours for success,

[Name deleted],

Uncompensated T. B.

I had the cloakroom call the office of the gentleman from South Dakota and notify him that I expected to refer to him on the floor to-day and to reply to some of the statements made by him on yesterday.

In discussing this letter Mr. JOHNSON said:

It is typical of the propaganda which was conducted by the gentleman from Mississippi [Mr. RANKIN].

That statement is untrue. I wrote no such letter, I inspired no such letter. I leave it to the membership of this House—yes; I will omit my Democratic colleagues and leave it to you Republicans—and ask you if I have not been absolutely fair in this fight for veterans' relief.

Some Members on the Republican side asked me to get them paired for the bill in case they were not here. I did my best, but could find no one to pair with them. They were later criticised by the leading service organization in their State for not voting, whereupon I wrote the leaders of that organization a letter explaining the situation and sent the Members involved a copy of it. Does that look as if I was conducting a propaganda campaign to injure some one politically?

The gentleman from South Dakota went on and, in my opinion, violated one of the most sacred obligations which one ex-service man owes to another. He violated the rules of every department of our Government in reference to the publication of records of ex-service men when he inserted the record of this man's alleged misconduct in the service, to try to discredit him.

It is true that he deleted the man's name from the Record, but he read it on the floor, and every man who reads the Record and who saw the paper in which this letter was published will know that this is the same man and without going back and digging up the facts they will take them as published in the CONGRESSIONAL RECORD.

I only regret that I have not the right to expunge it from the Record, because it ought to be expunged. Every service man in the House resents the insertion in the Record of the alleged misconduct of this ex-soldier.

Not only that, but he alleges that "on June 26, 1919, a few days after he enlisted, he shot his own foot." I called up the